

File No. MD 52 (2565) ✓

Vol. I.

MYSORE GOVERNMENT SECRETARIAT

Notes / Correspondence / Collection

Department MD Section General

Subject :—

*Copy of advance notice
for the list of
movements in the 1000*

Earlier References :—

Later References :—

(Classification A / B / C)

Notes pages.....

Correspondence pages.....

For/Not for Section note Book

To be destroyed after.....

*Under Secretary to
Government.*

1

St. ch. 28

9

१७७

19/6/68
- 5/6

19.6.65

2) $H(I)$

Inc

26/6/61

Issued

Issued
dated 1-7-65

Letter no 1383 SP/65 dated 13-1-65

3

The Report from the
Chief Engineer (G) may please be
seen with reference to item no
6 & P of the Proceedings of the Meeting of 11/11/21.

Subject

Proceedings of the meeting of the S.B. Co. Pops 2 Lms
held in the Chambers of the Deputy Commissioner for

WD 014899 - GPR 8/00.000

Reference and markings

Notes and Orders.

Para Numbers

at Page 5 of

As regards Item no 6 of
the Proceedings regarding Collection
of Bellmont Levy in advance. Proceeds
to be evolved, the Chief Engineer
has referred that there is no provision
in the bye law for Bellmont (Levy of
Bellmont Contribution) Dec 1964
for collecting the Contribution from
the beneficiaries. Moreover this
method of collecting of collecting the
Contribution in advance may lead
to Commitment on the part of S.B. Co.
to take up more and more works.
In the districts where his contribution
has already developed, and the
people have realised the benefits
of the same he expects in these
districts may come forward
to give in advance Contribution
to take up fresh works. In
that case the Chief Engineer to

Stitching page

Proceeding by the SR and CG
held in the Chambers of the Department

P 52 Lmby

Reference and
markings

Notes and Orders.

Para Numbers

is of his opinion that the Prospects
districts may become more
and more prosperous and back-
ward districts, may may
remain backward. In the backward
districts may not come forward
to pay contribution in advance
As a result, no new projects
may come up in these districts

5)

Beside there is already
a large amount of Spill-over
works. It would be better
if these Spill-over works
are first completed before taking
up fresh works. If minor
irregularities are not
completed within a reasonable
time the very purpose
of taking up. New works

Stitching space

Subject...

Proceeding of the meeting of the
Superintending Engineer and C.E.O.
held in the Chamber of Deputies, Mumbai for 199

File No...

Page 52/80

Reference and
markings

Notes and Orders.

Para Numbers

gas defected.

b)

After Considering all the
aspects of the problem, it is
felt that the Proposal of
Collecting the Advance Contribution
may not be put in to force

7

As per memo Item No 8
regarding life insurance schemes
the Chief Engineer (C) stated
that 41 life insurance has
already been sent to Govt of
India for its approval. The
second life insurance of 12
life insurance schemes pertaining
my own circle is being sent to
Govt. of India. The Chief
Engineer (C) referred that
similar proposals are also
submitted from the S.E.
Superintending Engineer Bandra,
Mumbai circle.

Writing space

Subject Proceedings of meeting of S R & C File No. 2052 L B 275
held in the Chamber of Deputies WD 01897-GPB -8,00,000-5-12-64

Reference and markings	Notes and Orders.	Para Numbers
	Further report from him may be awaited. 8) The time may be submitted for perusal of the Deputy Minister for Minor Irrigation with reference to item No 62 of Proceedings at Page 5 of 19/7/65 The Special Irrigation Section is concerned with items 6 & 8 of the proceedings of the meeting of the Superintending Engineer and the Chief Engineer (I) held in the Chamber of the Deputy Minister for Minor Irrigation on 8.5.1965. — Copy placed at page 1 to 6 of C.F. These two items relate to i) Collection of Betterment Levy in advance — procedure to be evolved and ii) Irrigation Schemes. The Chief Engineer (General) has furnished a note on these two items which is self-explanatory — see page 11 of C.F. This may kindly be submitted to the Deputy Minister for Minor Irrigation for his kind remarks and orders. 20/7/65 S.P.(I) 20.7.65	(19) (10) (12) (13)

Stitching space

P.S.O

Subject

Proceedings of the meetings of
the S.E. & C. (18) held in
the chambers of the Minister
for Minor Irrigation

File No. 10252 CB 565

Reference and
markings

Notes and Orders.

Para Number

For perusal of the report of CE (A) vide
pages 10-12 of C/F Wfr to the claim No 6
& 8 of the proceedings the meeting of
the CE (A) and SE's held in the
Chambers of the Deputy Minister on
8/5/1965 (vide Copy placed at 1 to 62 eff)

(14)

Regarding item 6 the views of
the RD and FD have to be obtained
before any decision is taken on the
matter

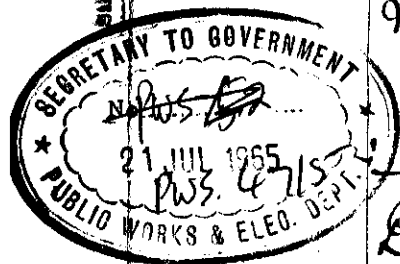
Secy P. WD
Deputy Min (M. 9)

M. CHANNAPPA
Dy. Secy. to Govt. (M. 9)

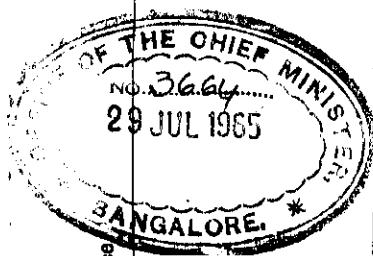
CHANDAPPA PATEL
Secy. P.W. & Elec. Dept.

(15)

16) The question of collection contribution in
advance was mooted out by C.M.
in several meetings. Let us wait
for some time before arrive at
any conclusion at this stage. In view
of the stringent financial position of
the state we have to take a decision
in favor of Advance contribution.
For this set of rules have to be
framed. The concerned Secretaries
met in my chamber some



Reference and markings	Notes and Orders.	Para Numbers
	time back. we have to meet again to discuss the method and mode of collection. Any way I seek the advice from the Hon. C. M. in this regard. Scheme for lift irrigat will be finalised early. ALUR SHANMANTHAPPA Deputy Minister for Minor Irrigation. 27/7/65 Hon: C. M.) Let Dy. Min. M. Y. kindly discuss a suggested by him re. contribution (advance). Let lift irrigation scheme be finalised as early as possible. 27/7/65 S. NIJALINGAPPA Chief Minister Dy. Min (H.I) Meeting of the Secretaries of P.W.D, R.D, F.D and Law may be fixed during the last week of this month. ALUR SHANMANTHAPPA Deputy Minister for Minor Irrigation. 10/8. May be handed to the Dy. Minister with a ref. note to signify the date & time suitable to the Dy. Minister	(17) (18) (19) (20)



Stitching space

Note Continuation Sheet

Subject: *Proceedings of the Meeting of the S.E.S.I.C.E. held in the Chambers of the Dy. Minister for Minor Irrigation*

File No. *Pro 52 L/14565*

WD 014899—GPB—8,00,000—6-12-64

Reference and markings	Notes and Orders.	Para Numbers
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after ascertaining the conveniences of the Secretaries.

9/11/65 - 8/12/65

CM 23/8/65

*(2)
(22)*

DS (I)

P. Ab Deputy Minr (M. 9)

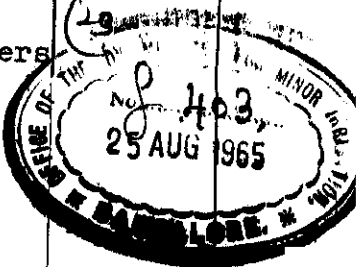
*M. CHANNAPPA
Dy. Secy. to Govt. P.W.D. (Irrgn.)*

Let a meeting of the following officers be arranged to be held in my chambers at 3.P.M. on Monday the 25th October, 1965 to discuss the matters relating to advance contribution of betterment levy and finalisation of the list of lift irrigation schemes in the State:-

- 1) Secretary, Public Works Department
- 2) Secretary, Revenue Department
- 3) Secretary, Finance Department
- 4) Secretary, Law Department
- 5) Chief Engineer (General)
- 6) Chief Engineer (Electrical)
- 7) Joint Semyay. P.W.D.

Alur Hanumanthappa
(Alur Hanumanthappa)
Deputy Minister for Minor Irrigation.

Deputy Secy., P.W.D.(I)



Stitching space

CM 18/10/65

(24)

Drift is put up for approval

(25)

19/10/65 - 19/10

8/19.10.65

(26)

DS (I)

A Separate note to be sent along with the Meeting notes is placed

(27)

*249
-N-*

P.137

Note Continuation Sheet

Subject Advance Return Contribution

File No MD 52/65

WD 814839—GPB—8,00,000—17-8-65

References and markings

Notes and Orders

Para Numbers

below. The blanks in the note may be filled up before it is typed and sent to the members.

Types (mm) 21/10/65

(mm) 20/10/65

a copy with the drafts for review.

The blanks have been filled up and the notes types are put up for approval.
21/10/65 S. 21.10.65

(28)

(29)

DS (I)

(mm) 21/10/65

Issue
S.
21.10.65

(30)

(31)

Issued

22/10/65

Stitching space

Notices have been issued to the officials concerned. (32)
 The file may now be marked to the P.A.
 to the Deputy Minister for Minor Irrigation.

22/10/65 S.
 P.A.
 to the Deputy Minister
 for Minor Irrigation

The next meeting may be convened on 1st November at 3 p.m. In addition to the above officers, development Commissioner may also be invited. Subjects to be discussed.

- (a) Diff irrigation
- (b) Common Irrigation well
- (c) Collection of Advance Contribution

27/10/65
ALUR HANUMANTHAPPA
 Deputy Minister
 for Minor Irrigation.

Dy. Secy)

28/10



Subject... *Meeting to discuss matters relating to Advance Belliment Contribution and life irrigation* File No. *Pms 521 wts*

Reference and markings *Schemes* Notes and Orders Para Number

Draft is put up for approval
28/10/65

(35)

Please see the minutes of the Deputy Minister for Minor Irrigation, in para 34. He has now suggested that subjects to be discussed at the meeting proposed to be held on 1st November, 1965, at 3 p.m. will be as under:-

36

- Lift Irrigation;
- Common Irrigation Wells;
- Collection of advance contribution.

In the note previously circulated to the invitees, only 2 subjects viz., (1) Lift Irrigation and (2) Collection of advance contribution were included. It has now been directed by the Deputy Minister that *an* additional subject regarding Common Irrigation Wells should also be discussed. No note on this subject is put up. It is, therefore, for orders whether the proposed draft notice should be issued without a draft note on the subject regarding Common Irrigation Wells.

S.C.
28.10.65
(S.C. WALI)

Under Secretary to Government,
P.W.D. (Services-C)

The Subject pertains to R.D. The meeting where

(37)

D.S. (Irrigation)

may be issued as ordered by the *By Minr (N-9)*

Disapproved
28/10/65

28/10/65
Issued

Note Continuation Sheet

Subject..... Meeting - Advance Contribution

File No. 5248565

(11)

Reference and markings.

Notes and Orders.

Para Numbers



This may now be marked to the P.D. to the Deputy Minister for Minor Irrigation
28/10/65 - P.A.
(to the Dy. Minister for Minor Irrigation)

(38)

Meeting held in the Chambers of the Dy. Min as scheduled on 1.11.65.

(39)

D. Channappa
Personal Assistant
to Deputy Minister for Minor Irrigation.

dy. secy)

The meeting was held in the Deputy Minis- (39) (40)
ters Chamber on 1.11.65. The draft proceedings of the Meeting are placed at pages..25-28 of the case file which may be perused and approved. C.E.(G) will be informed regarding taking necessary action of Lift Irrigation Schemes.



Dy. Min (M.G.)

M. Channappa
Dy. Secretary to Govt.
P.W.D. (I)

(41)

15/11/65
M. CHANNAPPA

(42)

dy. secy)

M. Channappa

(43)

Copy of the Proceedings may be sent to C.E.(G) (44)
and his report called for M. Channappa

Stitching space

Subject Advance Billment Contribution and Differentiation
and Common Logarithm Tables File No. WD 014899-GPB -8,00,000-044-00

Reference and markings	Notes and Orders.	Para Numbers
	The draft letter is for up for and approval 25/4/65 26/11	(45)
	Inu 29/4/65	(46)
	A Copy of the Proceedings may be sent to Mr. J. S. D. Development Commissioner for information - Inu	(47)
	29/4/65	(48)
	11/3/2015	
	Pl. obtain from the Law Dept. the particulars promised vide item 2. of the proceedings on page 33 of 24	(49)
	This may please be referred to Law Dept. for favour of furnishing particulars in regard to advance Contribution as promised by the Law Secy in the meeting held on 1.11.65 in Chamber of the Dy. Minister for Minor Legislation - item no 2 of proceedings placed as page 33 of 24	(50)
	28/7 LD)	

Collection 2
2-43/259
30-7-1966

Subject.....

File No.....

LAW 208/VI/66

Reference and markings

Notes and Orders

Para. Numbers



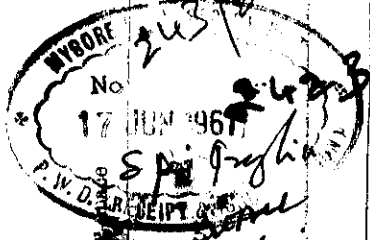
copy of the Andhra Act xxv
of 1955 is placed below as
desired.

51

OWA) MML
15/6

4/17/6

LVB
27/7/66



Ref. Paras 49-51. The
Andhra Irrigation (Law of B.C.)
Act, 1955 is at Pages 37-48/CF.

52

In this Act, Section 3 is the
charging section, according to
which Assessment contribution
can be collected from ~~any~~ the owner
of any land which is benefited or
is capable of being benefited by
the completion of the construction,
expansion or alteration of the work.

~~The Mysore Act does not provide~~

~~for the collection of assessment contribution~~

~~and the Mysore Act does not provide~~

Subject Advance Betterment Contribution

File No.

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers
	provide for levy on a land which is capable of being benefited by the work. ~~proposed contribution~~ ~~to be levied on the land~~ ~~to be levied on the land~~ ~~to be levied on the land~~ ~~to be levied on the land~~ ~~proposed contribution~~ 53) Section 12 of the Andhra Act no. xxv of 1955 provides for rebate in cases where Govt. accept or have accepted any money contribution from any person for the construction expansion or alteration of any work. The sum accepted from him shall be credited towards the contribution payable by him.	

Stitching space

am
 Number
 Section 12 of 1955
 1955

A similar Provision may be made in the Mysore Irrigation (Levy of B.C. and water Rate) Act, 1957 by inserting a new section.

57/24
23/6
9/22/6/67
24/6/67
The Section dealing with Rebate in Certain Other Cases" does not specifically say regarding Collection of Betterment Levy in advance from the beneficiaries. If anybody were to come forward then Govt. Can Collect that sum and the same may be deducted out of the betterment Contribution Payable from the beneficiary. what is wanted is the right to levy advance Contribution. M. diem

PM 26/6/67

58) The Govt. has been consulted in this matter
25/7

P. G.

for M.C.
Recommendation
concerning
DD.
D/S.L.D. advised to retain an
up-to-date copy of the Act and
Rules thereunder from the
M.G. Secy.
4/7/67

Advance Betterment Contribution

WD 01050—GPB—8,00,000 13-12-65

59) In the Andhra Irrigation (Levy of Betterment Contribution) Act, 1955, there is no provision for levy of advance betterment contribution as a matter of right. Section 12 contemplates for acceptance of such ~~and~~ contribution, if made in advance, by any person. It is not known whether the A.P. Govt. have made any statutory rules in this connection. Therefore, the A.P. Govt. may be requested to forward an up-to-date copy of the Act and the Rules, if any, made thereunder in this behalf. For Orders - Ref para 55- and.

R 25/4/77 (58) M put up a draft letter to AP Govt.

25/4/77

2/5/77

Adm. Secy.

PM 8/7/67

P. 7, 0

A draft is put up for appl. at Page 49/cf. (59)
 Ref Para 58

12/7/67 ²⁵ 17/7/67
 D/s (9)
 June 19/11/67 (60)
 Issued 21/7/67

A reminder is put up at Page 52/cf. (61)

3/8/67 ²⁵ 9/8/67
 D/s (9)
 Sub. for payment of D/s (9).
 1/8/67
 (62)

June 4/8/67 (63)
 Issued

Encls. 78 67
 Date

Receipt No. 3112/67

(*) Page 54/cf.

Ref. Paras 55 to 58. The Andhra Pradesh Govt. have made available a copy of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955 and the rules made thereunder. The Act & the rules (64)

Advance betterment Contribution

WD 01050—GPB—8,00,000 13-12-65

may be perused at Pages 55-71/47.

(65) The Andhra Pradesh have amended their original Act by ~~providing~~ providing provisions for the advance betterment contribution. Section 2(1-a) speaks of the definition of the term advance contribution. According to the newly inserted section 3-A, it is possible to levy advance betterment contribution. Under sub-section (2) of section 3-A, where the owners of not less than 66.1% of the lands express their willingness, the Govt. may levy and collect advance contribution. Under section 13 of the Andhra Pradesh Act, the advance contribution can be recovered as arrears of land revenue. Thus, it may be seen that the prerequisite in ~~respect of advance contribution~~ ~~under the Andhra Pradesh Act~~ is the consent

19)
Subject:

Vol 52LBW65
File No.

M. R. S

Advance Betterment Contribution.

of the majority of the owners ^{after} ~~before~~ a scheme is notified in the Gazette.

The question of making similar Provisions in the Mysore Irrigation (Levy of B.C. (66) and water rate) Act, 1957 may, perhaps, be considered in consultation with the Law Dept.

24/8/67
2/5/67
2/5/67

67) The matter relates to Levy of advance Betterment Contribution in respect of irrigable areas under several Major, Medium and Minor Irrigation works. This matter some time back was considered in a meeting held in the chambers of the Deputy Minister for Minor Irrigation, the proceedings of which relating to this subject may please be perused at page 27 (para (A) side-lined). In pursuance of that the Andhra Pradesh Govt. was requested to send a copy of the Betterment Levy Act as amended by the Andhra Pradesh Govt. wherein a provision has been made for collection of Betterment Levy in advance in respect of ~~certain~~ projects which have been taken up by that Govt.

68) Andhra Pradesh Govt. have now sent with their letter dated 10-8-67 (vide page 54 ^{of}) a copy of Andhra Pradesh Irrigation (Levy of Betterment Contribution and

M. G. S.

Subject: *Advance Betterment Contribution* —

MD 52 LAB 65
File No.

(20)

WD 81060—GPB—8,00,000 18-12-65

Advance Betterment Contribution) Act 1955 -- as amended by the Andhra Pradesh Irrigation (Levy of Betterment Contribution) Amendment Act 1964. Section 2(1)(a) gives the definition of advance contribution. Section 3(a) deals with Levy of Advance Betterment Contribution. Section 4 deals with amount of Contribution or Advance Contribution. Sections 5-11 deal with the procedure to be adopted for the Levy of Advance Betterment Contribution and also recovery.

69) From the above it may be seen that in order to levy advance Betterment Contribution, "The Mysore Irrigation (Betterment Levy and Water Rate) Act 1957" has to be suitably amended incorporating necessary section or sub-section as the case may be so as to enable Levy of Advance Betterment Contribution. The ~~suitably~~ ^{Suitably amended.} rules thereunder also have to be ~~prescribed by amending the existing rules.~~ Hence Law Department may kindly be requested to take up this matter. ~~at~~ Levy of Advance Betterment Contribution is very necessary in view of the present financial stringency and also attempts made to take up several Major and Medium projects in Cauvery and Krishna Valleys, so as to maximise the utilisation of our share of water and to bring in as large an area as possible under irrigation.

OM
25/8/67
(M. Channappa)
DY. SECRETARY, PWD (I)

JT. SECY. PW&E.

SECY. PW&E.

DY. MIN. (M.I.)

MIN. PW&POWER.

LAW DEPARTMENT.

K. Sagar PWD.
No 6137 Date
28/8

(70) *From the Copy of Andhra Pradesh Govt (Dr. P. K. S. Rao) (Levy of Betterment Contribution and Advance betterment Contribution Act 1955. It is seen that Sec 3A.*

Advance Betterment Contribution

allows Grist to buy and receive either in one or six annual equal instalments from owners holding ~~more~~^{less} than 5 acres of dry land and four equal annual instalments from owners holding more than 5 acres of dry land, provides 66 ~~1~~²% of the land owners agree in writing.

Such a provision in Mysore Irrigation Act will not only provide the finance needed for taking irrigation project in our state but also induce a sense of participation on behalf of the land owners benefited by the project in the taking up of project in their areas.

(71)

Suitable amendment is suggested in A.P. Irr. Act may also be agreed to in the Mysore Irrigation Act - 1957.

(72)

Secy PWD

100
26/8

Secy. PWD. 26/8
PWS No 3985 Date
~~26/8~~
Spl. IR 83

The draft amendment may be prepared & sent in file referred to L.D. for scrutiny. (73)

911
30/8/67

CA
3.78

ALL
S. M. C.

M. G. S.

PWD S2 L Bw 65 (22)
Subject: Advance Betterment Contribution — a
Bill to amend the Act.

WD 61050—GPB—8,00,000 18-12-65

(74) A draft Bill called the
Mysore Irrigation (Levy of Betterment
Contribution and water rate) (Amendment)
Bill, 1967 is put up at Pages
72-78 / CF.

Ref. Para 73.

R
18/9/67

75) This may now be referred to L.D.
in form of sending of the draft
Bill proposed at pages 72-78 J.C.F.
is also for taking further necessary
action on the matter.

Necessary Rules in respect of the
Advance Betterment Contribution
will be proposed after the issue
of the Amendment to the Irrigation
Act.

95
18/9/67
D/S

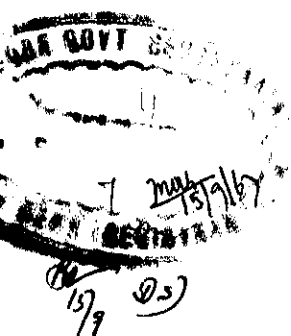
76) L.D may please see paras 67 to 73 of C.N and
the draft amendments placed at pages 72 to 78
J.C.F. and take further action to amend the
act.
L.D)

PM
18/9/67

M. CHANNAPPA,

Off. Secy. to Govt. P.W.D. (Irr)

904/289
18.9.67



23)

Subject: Mysr / irrigation (Leng & File No.
 Pothment Contribution / Bill 1968. PLD 52 1025 65

M. G. S.

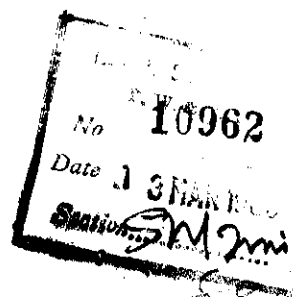
7 (Leng VIII 524/6)

77) A draft Bill on the lines of
 the Andhra Pradesh Act is
 placed for consideration.

ONA) MNR
 8/3

94/250

{ C. J. & Amul
 acts on the
 17/3



78) The draft Bill prepared by the Government
 on the lines of the Andhra Pradesh Act
 to enable Govt. to levy advance
 Contribution is placed at pages 79-84
 of C. J. may kindly be perused.

FWD C. J.
 No 755 14.3.68

79) A draft Cabinet note - along with a
 statement of "objects & reasons" is
 placed at pages 102-103 of C. J. for
 perusal & approval.

18/3/68

27/5/68) Note in paras 67 to 73 and
 76-77 of C. N. may please be perused. The
 draft amendment suggested by L. D. to
 the Pothment Contribution and water rate
 act 1957, placed at pages 79 to 84 of C. J.

Subject

M. S. Gopal (Secy) Belthum
C. S. Gopal (Secy) Belthum

File No.

52 685 65-

Advance Belthum

Reference and markings	Notes and Orders	Para Numbers
	and the draft Cabinet will placed in pages 102 and 104 of C.F. may be perused and approved.	
	It Secy P. W.D.	
	Secy P. W.D.	
	Min P. W.D.	
	82) The first of the 2 drafts has been corrected a little extensively. This is again re-typed & submitted to the Minister for approval.	
	DS(1)	21/3
	83) This may kindly be submitted to the Minister for P.W.D. for approval. (The first draft of the Cabinet note is replaced by a clear typed copy)	
	DS(5)	22/3
	For perusal and approval of D.C.N. placed at pages 102-105 of C.F.R.	
	Min P.W.D.	

M. S. Gopal

18/3/68.

M. CHANNAPPA

Secy. to Govt. P.W.D. (K.R.G.)

81)

M. S. Gopal

G. V. VENKATARAMU

Jt. Secy. P.W. & Elec. Dept.

Cli

21/3

83)

M. S. Gopal

D. S. P.W.D. (K.R.G.)

No 4099

21.3.68

G. K. N.

1045

M. S. Gopal

22/3/68

M. CHANNAPPA

Secy. to Govt. P.W.D. (K.R.G.)

DS(1)

VEREND. PATIL

M. S. Gopal

Note Continuation Sheet

Subject: *M. S. Rajalingam (Chief of Settlements)*
Constitution & Local Self Government
Act 1968 - Revenue Constitution

WD 52 LBS 65
 File No.....

WD 61499-GP B-8,00,000-17-6-85

Reference and markings	Notes and Orders	Para Number
87)	The draft Cabinet note at pages 102-105 of C.F. and the draft of the amendments at pages 79 to 84 of C.F. may please be seen and further action taken in the matter. D.S. G.A.D. (Cabinet Secret) <i>PM</i> 22/3/68 M. S. RAJALINGAM D. (Irreg.)	
88)	Submitted for review of Punsul <i>h</i> 23/3 DS-8/19 (S) 89) <i>R</i> 22/3/68 C.S. 90) <i>h</i> 22/3/68 CM 91) <i>h</i> 23/3/68 K. HARAYANASWAMY, Chief Secretary. <i>h</i> 23/3/68 A. N. LINGAPPA Chief Secretary. C.S.) 92) <i>h</i> 22/3/68 CA	D. S. P. V. (Irreg.) No 5038 22/3/68 GOVT. SECRETARIAT TO C 2/14/68. 23 MAR 1968 COUNCIL SECTION C.S. 2922 23/3/68 Chief Min. No. 6396 Date 23/3/68

(2)

Continuation Sheet

Subject... Mysore Irrigation (Levy) of Bellurment Contr. File No... PWD... 52 LRW 65
Contribution & water rates (Amendment) Bill - 1968 - Levy of
Advanced contribution

Reference and
markings

Notes and Orders

Para Numbers

SECRET

93)

Cabinet Case No. C... 214/68.....

Date... 3-4-68.....

FOR CONSIDERATION AT
A MEETING OF THE CABINET

Cabinet Note circulated for information

R. D. M. R.

By Secy.
GAD.

4/4/68

Chief Minister,
All Ministers.

Stitching space

CABINET NOTE.

Subject:- C.214/68.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Bill, 1968 - Levy of advance contribution.

94) In accordance with the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, a Tax called Betterment Contribution can be levied on the land holder or the holder of any land which is benefitted from the construction, restoration, expansion or alteration of any work by the Government whether after the commencement but not earlier than:

- (i) the first January 1944 in the Old Mysore Area;
- (ii) the first January 1947 in the Madras Area;
- (iii) the first August 1947 in the Hyderabad Area; and
- (iv) the first January 1950 in the Bombay Area, and the Coorg District.

2. The amount of Betterment Contribution payable in respect of any land benefitted shall be an amount equal to one half of the difference between the market value of such land before the date of commencement of construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration, provided, that the amount of Betterment Contribution payable shall not be more than Rs.300/- per acre.

3. This maximum ceiling of Rs.300/- is now being enhanced to Rs.500/- per acre, in accordance with the decision taken recently by the Cabinet. Necessary legislation has already been taken up separately.

4. The question relating to levy of advance contribution has been under consideration of Government for some time past, and the Chief Minister has kindly observed in several Meetings that the people are willing to pay the advance contribution and that suitable provision should be made. This subject was discussed in the Meeting of the Superintending Engineers and Chief Engineers held in the Chambers of the Deputy Minister for Minor Irrigation on 8-5-1965. The Deputy Minister desired that this aspect may be examined and necessary rules may be framed. This subject was further discussed in the Meeting held on 1-11-1965 in the Chambers of the Deputy Minister for Minor Irrigation when the marginally noted officers were

- (1) Development Commissioner.
- (2) Law Secretary.
- (3) Revenue Secretary.
- (4) Chief Engineer, (General)
- (5) Chief Engineer, M.S.E.B.
- (6) Deputy Secretary, Law Deptt.

present and it was decided as follows:-

COLLECTION OF ADVANCE BETTERMENT CONTRIBUTION.

"This subject has been discussed with the Law Secretary. The Law Secretary opined that it would be possible to frame act on the lines of Andhra Pradesh Act wherein the levy of Betterment Contribution in advance has been incorporated. He said that he would be sending this to the concerned administrative Secretariat for taking further action in the matter."

5. In pursuance of the above decision, the Law Department has now sent a draft Bill incorporating the provision relating to Levy of advance contribution as in force in Andhra Pradesh for consideration. A copy of the draft Bill is enclosed herewith for reference.

P.T.O.

C.214/68.

6. According to the Andhra Pradesh (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955 the estimated cost of a scheme for the construction, expansion or alteration of any work for purpose of Levy of Advance Contribution is fixed for works costing above Rs.10 lakhs. Regarding mode of payment the owners of land have to express their willingness in writing within such time as may be prescribed to make such Advance contribution towards such work either in one lumpsum or in six equal annual instalments in the case of owners holding not more than 5 acres of dry land each, and in the case of owners holding more than 5 acres of dry land or holding an extent of wet land, either in one lumpsum or in four equal annual instalments.

7. The Levy of Advance Contribution seems necessary with a view to taking up several major and medium irrigation projects in Cauvery and Krishna Valleys so as to maximise the utilisation of our share of waters and to bring in as large an area as possible under irrigation.

8. The points for consideration of the Council are:

- (1) To approve the amendments proposed to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 to enable Government to levy and collect advance contribution.
- (2) To approve the mode of payment of Advance Contribution as existing in Andhra Pradesh Irrigation Act.

Encl: Bill.

S/

Chandappa
(CHANDAPPA PATEL)
Secretary to Government,
Public Works & Electricity Deptt.

12
211

(2) As soon as may be, after the publication of a Notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at the time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state -

(a) their objections. -

(i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contribution or advance ~~betterment~~ contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by Registered Post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying -

(a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution or advance contribution shall be payable.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1968.

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Whereas it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No.28 of 1957):

Be it enacted by the Mysore State Legislature in the Nineteenth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1968.

(2) It shall come into force at once.

2. Amendment of section 2.- In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act), -

(1) ~~sub-section~~ ^{clause} (a) shall be renumbered as sub-clause section (aa) and before sub-section (aa), as so renumbered, the following sub-section shall be inserted; *namely:-*

"(a) 'advance contribution' means the advance betterment contribution referred to in section 3 A";

(2) in ~~sub-section~~ ^{clause} (ba), the word and figure "and 4" shall be omitted.

3. Insertion of new section 3 A.- After section 3 of the principal Act, the following section shall be inserted,

"3 A. Levy of advance contribution. - (1) Notwithstanding anything in this Act, where the Government has prepared a scheme for the construction, expansion or alteration (by it) of any work, the estimated cost of which exceeds ~~Rs. 10 lakhs~~ ^{Rs. 10 lakhs} and has localised the land which, in its opinion, is capable of being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance ~~betterment~~ contribution as provided hereunder, by the owners of such lands, the Government may publish the scheme in the official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under such ~~irrigable~~ ^{irrigable} commandable ~~avacut~~ of the work, which are so capable of being benefited, the approximate amount of advance ~~betterment~~ contribution payable per acre for each ~~class~~ ^{class} of such lands and such other particulars as may be prescribed, and shall require the ~~owners~~ ^{owners} of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such works either in one lumpsum or in six equal annual instalments in the case of ~~owners~~ ^{owners} holding not more than five acres of ~~any~~ ^{any} land ^{and in the case of owners holding more than five acres of any land} and in the case of ~~owners~~ ^{owners} holding more than five acres of ~~any~~ ^{any} land or holding any extent of ~~wet~~ ^{wet} lands, either in one lumpsum or in four equal annual instalments.

(2) Where the ~~owners~~ ^{owners} of not less than 66% of the lands referred to in sub-section (1) express their willingness in writing, the Government shall be entitled to levy and collect an advance ~~betterment~~ contribution from the ~~owners~~ ^{owners} of all the lands referred to in sub-section (1).

holders
 (iii) Where three-fifths of the first instalment of the ~~Advance Betterment Contribution~~ payable by the ~~land-owners~~ of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than three-fifths of the first instalment of the advance ~~betterment~~ contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1) but shall refund amounts so paid to the ~~owners~~ concerned. Where the Government commence the execution of the work, the ~~Deputy Commissioner or any officer authorised by him in this behalf~~ shall, immediately after such commencement of the execution of such work, by an order direct the ~~owners~~ of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance ~~betterment~~ contribution to pay it within such time as may be prescribed;

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 (iv) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by ~~an owner~~ in respect of any land referred to in sub-section (1) of this section, shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount of advance ~~betterment~~ contribution paid by such ~~owner~~ under this section, be adjusted towards the amount so determined. If, as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes ~~refundable~~ to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

(5) In the purpose of levy of advance contribution as prescribed shall be not less than specified amount and complete restoration or expansion or alteration of any work.
 4. Substitution of new section for section 4.- For section 4 of the principal Act, the following section shall be substituted, namely:-

"4. Amount of Betterment Contribution.- (1) The amount of ~~betterment~~ contribution or advance ~~betterment~~ contribution payable in respect of any land referred to in section 3 or section 3-A shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration:

500 | Provided that the amount of ~~betterment~~ contribution or advance ~~betterment~~ contribution payable in respect of any land shall not be more than ~~Rs. 500 per acre~~ per acre.

Provided further that no ~~betterment~~ contribution or advance ~~betterment~~ contribution shall be leviable in respect of any land.-

- (i) which is unarable (Kharab); or
- (ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir anicut, bundhara, pond, spring pond, kunta, talaparige or madugu which is not capable of irrigating more than one hundred acres of land:

Provided also that, for purposes of this sub-section the increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

(6) The Government or any person aggrieved by an order made under sub-section (5) may, within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

5. Amendment of sections, 5, 6, 7, 8 and 9.- In sections 5, 6, 7, 8, and 9 of the Principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

ns/

STATEMENT OF OBJECTS AND REASONS.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 provides for the levy of Betterment contribution and water rate in the State of Mysore. There is no provision for levy of advance contribution and its recovery. Such a provision exists in the Andhra Pradesh Irrigation Act. It is therefore considered desirable to provide such a provision in the Mysore Irrigation Act as well to enable levy of Advance Contribution. By this Levy Government can take up several Major and Medium Projects in Cauvery and Krishna Valleys and can develop large areas under irrigation.

SECRET

MD 52 18565 32

Extract from the Proceedings of the.....FOURTEENTH..... Meeting of the
Cabinet of Ministers held at Bangalore on..... 8th April 1968.....

96) Subject: C.214/68

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1968 - Levy of advance contribution.

DECISION OF CABINET

After discussion, it was decided that The Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Bill, 1968, be approved incorporating the following:-

Clause 3A

The levy of advance contribution be made in respect of lands coming under Irrigation Projects, the estimated cost of which exceeds Rs.50 lakhs.

Clause 4.

The amount of betterment contribution or advance betterment contribution payable in respect of these lands shall not be more than Rs.500/- per acre.

It was further decided that the mode of payment of advance contribution be the same as provided for under the Andhra Pradesh Irrigation Act.

Sd/-

(S. Nijalingappa)
(Chief Minister)
(8-4-1968)

97) *cc*
Secretary to Govt.)
P.W. & Elec. Dept.)

"EXTRACT"

12 *Sharma*
(R. Thippaji Rao)

Deputy Secretary to Government, G.A.D. 10/4/68

N.B.: A Copy of order issued on the Cabinet decision may kindly be sent to Cabinet Section
10/4/68 for record.

98) *SPM 9* *Letter*
AM
10/4/68.

Subject.....

Levy of Betterment Contribution
Amendment to the Hygiene Division
Dec. 1857 -

MSD 52 L 1857
File No.....

Reference and
markings

Notes and Orders

Para Numbers

99) para 96 ante; Containing the decision
of the Cabinet may kindly be prepared
The draft amendments Bill with
necessary adaptations based on the
decision of the Cabinet is placed
at page 106 of C. 7.

The Cabinet have decided that the
mode of payment of advance
Contribution should be the same
as provided for under the Public
Health Legislation Act. The Law Dept.
may kindly verify again if the draft
amendments Bill is in accordance
with the A.P. Act - so far as mode of
payment is concerned.

100) This may not be necessary G. Law Dept.
In favour of taking for the action
by the Law Dept. before
the Legislature for its approval.
J
11/12/68
S/S O,

101. Law Department may kindly see notes
in para 77, of the Cabinet Note in para 94
and the decision of the Cabinet in para 96 of the
Cabinet Note and take necessary further
action for framing the Bill relating to
Advance Betterment Contribution on the lines

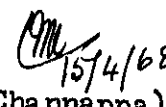
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Subject..... Advance Betterment Contribution.

File No.....

PWD 52 LBW 65

WD 014899-GP B-8,00,000-5-12-64

Reference and markings	Notes and Orders	Para Number
L.D. (Dr. II) No 241 Date 373/959 154-68 xxx minch/mil 16/11	of the Andhra Pradesh Irrigation Act.  15/4/68. (M. Channappa) Dy. Secretary, PWD (I). Sri M.L. Ramaswamy, I Dy. Secretary, L.D. 10) A Revised draft Bill is prepared and placed in a file incorporating the category of irrigation work in respect of which advance contribution may be levied and provision for recovery of such contribution. Regarding the latter provision in the Andhra Act which is similar to that in Section 7 of the Mysore Act is made applicable. The P.W.D. may kindly see the draft from the adm. point of view. In clause 3 of the draft Bill there is reference to lands "<u>localised</u>". Whether such localisation is contemplated and what are its implications will have to be considered	

Stitching space

De Myom Irrigation (Leng
Bathman and Anti-Liberal Water (Leng)
(And) Bill, 1968.

PLD 52 USD 65
File No.

(36)

Reference and
markings

Notes and Orders

Para Numbers

LAW 241/VII/68.

373/DSD 68

by Dr. P. W. A.

P. H. A.)

MAIL

11/6

M. I. M. I.

Office

Office

11/13/6

103) The Law Dept. have referred the pre
in review of the Dept. for the
the administrative point of view.

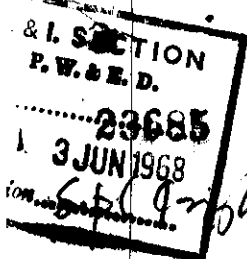
The point raised by the LD
with regard to "lands" localisation
they also be reviewed.

9

12/6/68

104) Please see para 103 ante and
the draft bill at Reg. F. As pointed
out by LD, the word "localised"
appearing in clause 3, is not a clear
term unless it is defined. Therefore it
could be better to say "has
determined the extent, which" instead
has localised the lands which".

Apart from this the entire
bill appears to be in order and



1758 13/6/68

Resolving space

37

Note Continuation Sheet

Subject Advance Bettemas Contribution -

MD 52 Chs 65
File No.....

WD 014899—GP B—8,00,000—5-12-64

Reference and markings	Notes and Orders	Para Number
	my in ques. $\frac{Ts}{sum}$ $\frac{4}{19/2}$ <u>1576</u> G. V. VENKATA RAMU, Jt. Secy. P.W. & Elec. Dept. May I know the basis for fixing in financial limit for the purpose of it? also discuss $\frac{Ch}{1576}$ $\frac{4}{17/2}$	R. Secy. PWD. No 3077 Date 14/6 D. S. PWD (irreg). No 1173 Date 18/6 Slitting space

Secy. PWD. 15/6/66
No 4286 Date

Subject Advance Betterment Contribution

File No. MSO 52482-65

Reference and markings

Notes and Orders.

Page Numbers

(107)

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 x provides for the levy of Betterment Contribution and Water Rate in the State of Mysore. There is no provision for levy of advance Contribution and its recovery.

The question relating to levy of advance contribution has been under consideration of for some time past and the Ministers have been kind enough to observe in several meetings that the people are willing to pay the advance Contribution and that suitable provision should be made. This subject was further discussed in the meeting of the S.E.s and C.E.s held in the Chambers of the then Deputy Minister for Minor Irrigation on 8-5-1965. The Deputy Minister desired that this aspect may be examined and necessary Rules may be framed as expeditiously as possible.

The subject was again discussed in the meeting held on 1-11-1965 in the Chambers of of the Deputy Minister for Minor Irrigation when the ^{Development -} ~~Divisional~~ Commissioners, Law Secy; Revenue Secy; C.E. (General) and C.E. M.S.E.B. were Present. The Law Secy; opined that it ~~is~~ ^{will} be possible to frame necessary legislation on the lines of Andhra Pradesh Act wherein the Levy of Betterment Contribution in advance has been incorporated. Accordingly a draft Bill duly

Stitching space

WD 014899--CPB -8,00,000--5-19-64

Reference and markings	Notes and Orders.	Para Numbers
	scrutinised by the Law Department with a Cabinet Note was submitted for the consideration of Government. (108) The Council of Ministers in thier meeting held on 8-4-1968 have decided as follows :- DECISION OF CABINET After discussion, it was decided that The Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Bill 1968, be approved incorporating the followings:- <u>Clause 3 A</u> The levy of advance contribution be made in respect of lands coming under Irrigation Projects, the estimated cost of which exceeds Rs.50 lakhs. <u>Clause 4.</u> The amount of betterment contribution or advance betterment contribution payable in respect of these lands shall not be more than Rs.500/- per acre. It was further decided that the mode of payment of advance contribution be the same as provided for under the Andhra Pradesh Irrigation Act. Sd/- (S.Nijalingappa) (Chief Minister 8-4-1968) " (109) Based on the above decision, the Law Department have now sent a revised Draft Bill for approval from the administrative point of view. (110) The L.D.'s Note at para 102 ante may kindly be perused . They have observed that	Para Numbers Stitching spe 7/2/68

in the Draft Bill there is a reference to lands "localised" and whether such localisation is contemplated and if so its implecation may be considered by the P.W.D.

With reference to this point it has been pointed out in para 104 ante that in ^{R -}absence of clear definition of the term "Localisation" in the Bill or Act, it ^{shall} ~~will~~ be better ^{the} ~~the~~ following ~~fr~~ phrase ~~a~~ viz. "has determined the the ayacut which" instead "has localised the lands which" is ~~a~~ replaced .

(11) The financial limit has been fixed as per the decision of the Cabinet referred to above . Regarding the mode of payment of Advance Contribution, the procedure provided in the Andhra Pradesh Act has been incorporated which is in accordance with the decision of the Cabinet.

(12) The Draft Bill Flag 'F' is herewith submitted for according Administrative approval. The slight modification suggested above lined marked 'A' may kindly be approved.

(113) Submitted for orders with reference to para 106 ante.

4
19/6

(114) ~~The~~ Andhr Discussed with the Secretary, P.W. & E. The Andhra Pradesh Levy of Betterment Contribution Act, proposes advance Betterment Contribution ^{being} ~~to~~ leviable in case of irrigation works, the estimated cost of which exceeds 10 lakhs of rupees. It has been proposed to issue an amendment to the Mysore Irrigation Levy of Betterment Contribution and Water Rate Act, ^{providing for} ~~an amendment regarding~~ the collection of advance Betterment Contribution, on the same lines on which it is contemplated in the Andhra Pradesh Act. This subject was referred to Cabinet in its 14th Meeting held on 8th April 1968. Please see Paras 94 to 96. The

Subject: MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION - WATER RATE (AMENDMENT) BILL, 1968 - ADVANCE CONTRIBUTION. File No. PWD 52 LBW 65

M C S

Cabinet have decided that they levy of advance contribution be made in respect of lands coming under Irrigation Projects, the estimated cost of which exceeds Rs.50 lakhs.

(115) As per the existing Mysore Irrigation Levy of Betterment Contribution and Water Rate Act, ^{Contribution} is not leviable in case of irrigation works which have a command of less than 100 acres. Considering an average rate of Rs.1,000/- per acre, the cost of an irrigation work for which Betterment Contribution is payable will be one lakh and more. Therefore, the present stipulation proposed for levy of advance Contribution, Viz., Rs.50 lakhs will mean that only works which have a Ayacut of 5,000 acres and more will come under the proposed Scheme. Such a stipulation therefore eliminates the possibility of taking up smaller irrigation works by collecting Contribution in advance. Therefore, it may be desirable that as proposed in the case of the Andhra Pradesh Act, we may also reduce the limit for levy of advance contribution to works whose estimated cost exceeds Rs.10 lakhs. If approved, we may again seek the concurrence of the Cabinet for the above proposal.

Yr. Secy. PWD
No 3119
Date
19/6

JS
baw
C7

116) 
21/6
G. V. VENKATA RAMU,
Secy. P. W. & Elec. Dept.

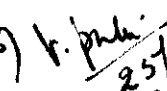
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19/6

Secy, PWD. 21/6
No 4437 Date

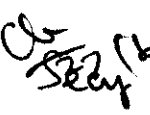
117) After a discussion with me the above note has been recorded. The suggestion made therein may kindly be accepted.

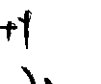
Chief Min.
No. 1054 Date
24/6/68

C. M.

118) 
25/6
(VEERENDRA PATIL)
Chief Minister.

22/6
CHANDAPPA PATEL
Secy. P. W. & Elec. Dept.

119) 
Secy PWD E

120) 
27/6

D. S. P. W. (1150).
Date
No 12382
28/6/68

Subject: Water Contribution - Water File No. 5216WBS-

Rate Amendment Bill, 1968
Advance Contribution

Reference and markings	Notes and Orders.	Para Numbers
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121) Dept. Cabinet note placed at
p 117-118 of my ...

J. Secy. PWD.
No 3219
29/6

J.S.
29/6
G. V. VENKATA RAMU,
Jt. Secy. P.W. & Elec. Dept.

122) 29/6
G. V. VENKATA RAMU,
Jt. Secy. P.W. & Elec. Dept.

4
29/6

J. Secy. PWD.
No 4705
2/7

123) C.G.

CHANDAPPA PATEL
Secy. P. W. & Elec. Dept.

124) V. Patil
6/7
(VEERENDRA PATIL)
Chief Minister

Chief Min.
No. 201
2/7/68

J.S.
125) 8/7

C.S.
✓ Cabinet
Secy.

126) 4
9/7

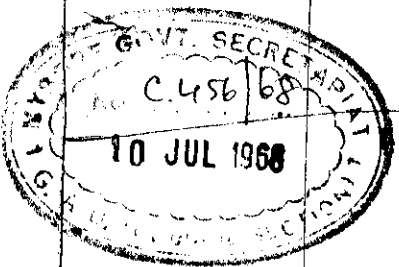
S. K. HODANI,
Under Secy. P.W. & Elec. Dept.

127) 9/7/68

K. HARAYANATH,
Chief Secretary

D. S. PWD (Irregl.)
No 12516
8/7/68

CS-6656
9/7/68



4
Note Continuation Sheet

Myrra Irrigation (Levy of Betterment Contribution -
Wahy Rak (Amendment) Bill, 1968 - Advance

Subject Contribution

File No. P.W.D. 52 L/1344.

65

WD 014899-GPB -8,00,000-5-12-64

Reference and
markings

Notes and Orders.

Para Numbers

C.No. 456/68

SECRET

Cabinet Case No. C. 456/68

Date 15-7-68

FOR CONSIDERATION AT
A MEETING OF THE CABINET

Cabinet Note circulated for information

[Signature]
Dy. Secy.
GAD.

15/7/68

Chief Minister.
All Ministers.

Stitching app

SECRET

Cabinet Case No. C.....~~111/82~~.....

Date.....~~12-7-82~~.....

FOR CONSIDERATION AT
A MEETING OF THE CABINET

Cabinet Note circulated for information

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CB
Dy. Secy.
GAD.

15/7/82

Chief Minister.
All Ministers.

SECRET.

1968.

PWD 52 LRW 65.

CABINET NOTE.

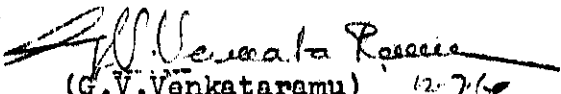
128 Subject: C.456/68

Mysore Irrigation (Levy of Betterment
Contribution and Water Rates) amendment
Bill, 1968.

A Bill seeking amendments to the Mysore Irrigation (Levy of Betterment Contribution) Act to enable Government to levy and collect Advance Betterment Contribution was placed before the Cabinet. In its Fourth meeting held on 8-4-1968 the Cabinet approved the same. Among other things it was decided by the Cabinet that the Levy of Advance Contribution be made in respect of lands coming under Irrigation project, the estimated cost of which exceeds Rs.50 lakhs.

2. As per the existing Mysore Irrigation (Levy of Betterment and Water Rate) Act, Betterment contribution is not leviable in case of irrigation works which have command of less than 100 acres. Assuming an average rate of Rs.1,000/- per acre the cost of irrigation work for which Betterment contribution is payable will be (100 x 1000) equal to Rs.1 lakhs and more. Therefore the decision of the Cabinet that the Levy of advance contribution be applicable only in respect of lands coming under Irrigation Projects, the estimated cost of which exceeds Rs.50 lakhs will mean that only works which have an ayacut of 5,000 acres and more will come under the proposed scheme. Such a stipulation eliminates the possibility of taking up smaller irrigation works by collecting contribution in advance. Therefore it may be desirable that the limit for levy of advance contribution be lowered to include works whose estimated cost exceed Rs.10 lakhs. Such a provision exist under the Andhra Pradesh Irrigation (Levy of Betterment contribution and Advance Betterment contribution) Act, based on which the proposed Bill for Levy of Advance Contribution has now been proposed in Mysore State.

3. The subject is therefore placed before the Cabinet of Ministers for approval to the proposal of Levy of Advance Contribution in respect of lands coming under Irrigation Projects; the estimated cost of which exceeds Rs.10 lakhs.


(G.V. Venkataramu) 12/7/68
Jt. Secretary to Government,
Public Works & Electricity Dept.

ns/

12/11/7

SECRET

Extract from the Proceedings of the.....Twentysixth.... Meeting of the
Cabinet of Ministers held at Bangalore on....17th July.....1968.....

Subject: C.456/68

Mysore Irrigation (Levy of Betterment
Contribution and Water Rates) Amendment Bill, 1968.

DECISION OF CABINET

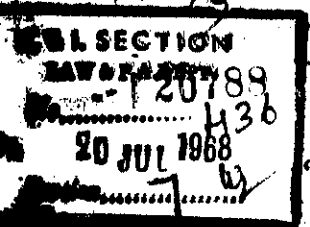
Approved.

Sd/- Veerendra Patil,
CHIEF MINISTER
(17-7-68)

Secretary to Government,
Public Works Dept.

D. S. PWD (1968).

No. 12653 Date 19.7.68



EXTRACT

10. Ommae

(R. Thippoji Rao)

Deputy Secretary to Government, G.A.D.

(Services & Cabinet)

N.B.:—A Copy of order issued on the Cabinet decision may kindly be sent to Cabinet Section

for record.

17/7

This may not be referred to L.D.
for further action. Its estimated cost
is changed from Rs 50 lakhs to Rs 10
lakhs in the Amendment Bill.
A statement of Dept. - 2 Reasons is
already placed in the file which may
be seen as page 109 of C.F.

17/7/68 LD)

4
19/7

Under Secy. to Govt. (1968)

M. G. S.

Subject: The Myom Migration
(Levy & Bottomment Contribution &
Labour) Draft Bill 1968

46)
File No.
Law 6129N68.
PLD 52 48465.

WD 01050-GPB-8,00,000 13-12-65

W 7 (134)

Ref para 102 n.f. and 129 n.f.
The draft bill has been approved by the
Cabinet. But the bill has not been
placed before the Standing Committee
concerning the Rules & Procedure. For
order. Whether the Bill is placed
before the Standing Committee.

MMA DSD
3/8/68 - the draft bill will be
placed before the standing
committee.

531/JSD
5-8/68.

Dr. Seung) MMA
3/8

Law-Scuy) mal
3/8/68

S. V. P. A. R. E. R. Y
Secy., Law & Parl. Affairs.

mal
5/8/68

Seung Seung-min) MMA
5/8

Meeting to be held at 3 PM
in the residence of Min. for Revenue
The bill is to be introduced there
P. S. & Min. for Revenue)

22/8/68

Handwritten notes:
10 copies
6/8/68
10 copies (H.M.)
on Hand Ltr.
MMA
7/8/68

2753 5-8 68

799/1050/68

Subject:

File No. LA 446/1674

M. G. S.

Subject: *The Hyman Irrigation Canals* File No. *LA 46/66*
Henry J. Beckman et al
vs State of Ariz.

(Second Amendment) Bill, 1962

137) The draft Bill was scrutinised at the meeting of the Scrutinising Committee held on 23-8-1968. The Bill provides for the levy of ^{betterment} advance/contribution. When the Government prepares a scheme for the construction, restoration, expansion or alteration of any irrigation work, the estimated cost of which exceeds 10 lakhs of rupees and has proposed to implement the scheme, ^{It} may publish the scheme specifying the lands to be benefited by the proposed irrigation work and the approximate amount of advance betterment contribution payable per acre. The landholders concerned would be required to express their willingness to make such advance contribution either in one lump sum or in instalments. If not, less than 66 per cent of the land holders expressed their willingness, the advance betterment contribution could be levied and when 3/5th of the first instalment is paid by the land holders of the benefited land, then the irrigation work would ~~could~~ be commenced. Provision is made for determination of the advanced contribution in the same manner as the ordinary betterment contribution is determined and levied; that is, after enquiry ~~led~~ and ^{is issued} by an order against which ~~the~~ an appeal lies to the civil court and a demand notice in the light of the decision of the civil court. ~~The betterment~~ ^{advance} contribution recovered will be adjusted towards betterment contribution payable by the concerned land-holder after that contribution is determined in accordance with the Act.

The Bill was
discussed
at a meeting
of the
Board
Dec 23 1876
L.S.
Dorwin

Subject:

File No.

The Mysore Irrigation (Levy of Betterment of Contribution and Water Rate) (Second Amendment) Bill, 1968.

WD 01050—GPB—8,00,000 13-12-65

138) During discussion of the provisions of the draft Bill, it was felt that the procedure for determining and levying advance contribution as prescribed in the draft Bill would involve considerable delay in actually levying such contribution and that it may defeat the very purpose of levying advance contribution. It was also felt whether the same may not be cut short in any appropriate manner. It was thought that this may be achieved by omitting the elaborate procedure regarding determination and by providing for levy and collection of advance contribution only from those 66 per cent who were willing to pay it. Levy and collection from the other 34 per cent without following the procedure may not be justified.

139) The difficulties pointed out are matters for administrative consideration and decision, involving questions of policy. However, as the scheme envisaged in the draft Bill has had the approval of the Cabinet, the draft Bill was scrutinised in its ^{present form} leaving it to the Administrative Secretariat to take further action, having regard to the points discussed in the meeting.

140) The Bill as revised by the Scrutinising Committee is at flag A.

141) For orders whether the Bill be sent to the Legislative Assembly.

Fr. Secy

M. L.

27/8
M. L. RAMASWAMI,
Dy. Draftsman & Ex-Officio
Dy. Secy., Law Deptt.

(142)

Law Secy

(143)

M. L.
28/8/68

28/8/68

Subject: The Pym Migration
(Long settlement for work in)
Sandhurst Bill 1968

File No.

LAW 61 Lh N 68

M. G. S.

Draft are fair & letter to Sug / CA
forwarding them with the Bill
together with the St adj. int. Reson.
Mans. n. delayed legislation. Amson
am. put up for action.

(144)

PM
28/8/68

D/S/D may be approved (145)
Law Secy) M L IL
28/8

L
28/8

(146)

Issued
28/8/68.

ISSUED
M L IL
28/8

(147)

for general and review (148)

Secy PWD

M L IL
28/8

M. L. RAMASWAMI,
Dy. Draftsman & Ex-Officio
Dy. Secy., Law Dept.

Secy. PWD. 29/8
No Date

D8(6)
28/8

It is learnt that the bill is going to be introduced
to-day in the Assembly, hence the file is required
in L.D. for further action. The observations of
the Sentencing Committee may be taken into consideration
and further action taken later.

(149)

Secy P. W.D.

Sim. Ramaswamy
D.S. L.D

PM
3/9/68
3/9

884/DPO
(150) 3-9-68
S.O. M L IL
2/9
Recd 3-4-5 PM

M. G. S.

Subject: DL Myon Migration
(Bollman's) II Audit Bill 68

File No. 50
Case 61. LCN 68

Notice Motion for introduction
of the Bill in the Legislative Assembly
La. Gen. and to H.R. com in advance.
DL file may be sent to R. Sy to H.R. com.

mm 3/9/68
DSD
B.S. to CM)
mm 3/9

Chief Min.

No. 2431. D

3/9/68

in up
on the concerned

dry
3/9

Dr. NU
Dr. 3/9/68

GOVERNMENT OF MYSORE

NO:PWD 16 IFY 65.

MYSORE GOVERNMENT SECRETARIAT
VIDHANA SODHA
BANGALORE, DATED 22ND MAY, 1965.

LS-2

From

The Secretary to the Government of Mysore,
Public Works and Electricity Department.

To

The Chief Engineer (General)
of Mysore, Bangalore.

Sir,

Sub:-Proceedings of the Meeting of the Superin-
tending Engineers and Chief Engineer held
in the Chambers of the Deputy Minister for
Minor Irrigation on 8-5-1965.

I am directed to forward herewith Proceedings of the
Meeting of the Chief Engineer (General) and Superintending
Engineers of regular Public Works Department Circles held
on 8-5-1965 in the Chambers of the Deputy Minister for
Minor Irrigation for information and necessary action. I
am further to request you to forward detailed proposals on
the several cases in the light of the discussion and deci-
sions arrived at in the meeting for specific sanction of
Government.

Copies of this letter and the Proceedings have been
endorsed to Superintending Engineers of Circles for neces-
sary action.

Yours faithfully,

M Channappa

(M. Channappa)
Deputy Secretary to Government,
Public Works Department (Irrn.).

Copy together with Proceedings forwarded to:-

The Superintending Engineers of Bangalore, Mysore,
Belgaum, Dharwar, Shimoga, Raichur and Special West
Coast Circle, Mangalore, for necessary action.

2. All Sections of Public Works Department.

rac/22-5-1965.

R.N.
to the
secretary
no 6
no 8.
19/5



Proceedings of the meeting of Superintending Engineers held in the Chambers of the Deputy Minister for Minor Irrigation on 8-5-1965 at 9 A.M.

The following Officers were present:-

1. Chief Engineer(General);
 2. Superintending Engineer, Bangalore Circle;
 3. Superintending Engineer, Mysore Circle;
 4. Superintending Engineer, Shimoga Circle;
 5. Superintending Engineer, Dharwar Circle;
 6. Superintending Engineer, West Coast Circle;
 7. Superintending Engineer, Raichur Circle;
 8. Superintending Engineer, Belgaum Circle.
-

1. REVIEW OF THE PROGRESS:-

At the outset the Deputy Minister expressed his satisfaction with regard to the progress achieved in respect of Minor Irrigation Works; and he desired to know the amount of expenditure that may be incurred upto end of June, 1965 in respect of spillover works and also number of works that will be physically completed under several category of works by the end of June 1965 together with the area that is physically brought under irrigation in respect of such works.

The Chief Engineer(General) instructed all the Superintending Engineers to furnish that information Division-wise indicating the spill-over works so as to reach him by 17th of this month, so that he can forward a consolidated statement of the entire State by 25th of this month. All the Superintending Engineers agreed for this proposal.

2. PROBABLE EXPENDITURE DURING 1965-66:

a) For completion of spill-over works:- The Deputy Minister desired to know the probable expenditure during 1965-66. At this point the Chief Engineer(General) pointed out that the budget provision for the year 1965-66 is only 300 lakhs and only 100 lakhs has been authorised by the Finance Department and the remaining 200 lakhs is yet to be authorised after obtaining the financial assistance from Government of India. The Deputy Minister however opined that the Chief Engineer(General) can assume that this 300 lakhs is available for expenditure on spill-over works and go ahead on this basis. Apart from this he desired to know how much extra amount is required for completion of spill-over works in each Division and also the amount

contd...2.

required for taking up of fresh works depending upon spill-over works existing at present in each division.

(ACTION CHIEF ENGINEER(GENERAL))

b) Taking up fresh works:- The Chief Engineer(General) invited kind reference of the Deputy Minister to the order of the Government issued recently regarding taking up any fresh works and he also explained how it is imperative to take a few fresh works in some of the Divisions where the cost of spill-over works is much less than the amount allotted for the Division. He intimated that in respect of the following 8 Divisions the proposals of taking up of fresh works has also been considered by him and proposals have been sent to Government for consideration:

- | | |
|----------------------|-----------------------|
| 1. Sagar Division | 5. Yadgir Division |
| 2. Sirsi Division | 6. Mangalore Division |
| 3. Koppal Division | 7. Coorg Division |
| 4. Bagalkot Division | 8. Bidar Division |

A detailed report in respect of the above Divisions wherein the spill-over works is said to be very limited has already been furnished by the Chief Engineer(General). He has been requested that Sub-Divisions-wise and also Hobli-wise or area-wise in the Taluks of the State and also analysis of spill-over works can also be done and fresh works in each sub-Division may be considered in consultation with Local M.L.As and M.L.Cs by the concerned Executive Engineer and report sent to Government for information.

(ACTION: CHIEF ENGINEER(GENERAL))

3. COMPLETION OF LONG PENDING INCOMPLETE WORKS:- (Steps to be taken)

The Chief Engineer(General) brought to the notice of the Deputy Minister that in each Division there are number of incomplete works both big and small which are lingering on from a long time without completion. These works are entrusted on piece work system, on quotation basis and on tender basis too. In respect of works entrusted on quotation and tender basis and where specific agreements have been taken from the contractor with Earnest Money Deposit as per rules action can now be taken as per agreement for termination of the contract and entrust the balance works to some other agency for completion.

Regarding works which have been entrusted on piece works system no uniform procedure has been followed and in some cases agreements have been taken from contractors with Earnest Money

Contd....3.

Deposit even through such system. It is in such cases there is some difficulty in terminating contracts and taking up of the balance works, as it would lead to:-

1. Considerable time for finalising the claim of the old contractor and entrusting the balance works to some other agency;
2. Extra expenditure since the balance works have to be executed at C.S.R.
3. The possible dissatisfaction amongst the contractors;

The Chief Engineer(General), however has been requested to forward a detailed report to Government for consideration and specific orders, if any, required on this issue.

(ACTION: CHIEF ENGINEER(General)) ^

4. PREPARATION OF REVISED ESTIMATES--SANCTION AND PAYMENT OF FINAL CLAIMS OF THE CONTRACTORS:-

The Chief Engineer(General) brought to the notice of the Deputy Minister that at present revised estimates in respect of several works physically completed or nearing completion have to be prepared. For want of preparation of revised estimates and getting sanction to them the final claims of the contractor have not been settled and they are pressing the Department for settling their claims. These revised estimates being in excess of the percentage that could be admitted by the Chief Engineer(General) and other officers all such cases will have to come to Government for sanction. Chief Engineer(General) and Superintending Engineers were of the view that in order to avoid delay it is better the officers are empowered to sanction revised estimates upto a certain limit irrespective of the percentage excess over the original estimate. The Chief Engineer(General) has been requested for forwardal of suitable proposals to Government for taking further action.

(ACTION: CHIEF ENGINEER(General)) ^

5. LAND ACQUISITION:-

The Chief Engineer(General) and the Superintending Engineers brought to the notice of the Deputy Minister that at present land acquisition cases are delayed and thereby the works could not be pushed through right earnestly. It was opined that Special Land Acquisition staff may be set up in Public Works Department so that this staff can deal with land acquisition cases relating to Public Works Department expeditiously. The Chief Engineer(General) has been requested to send up detailed proposal to Government in consultation with other Chief Engi-

contd....4.

neers and also considering the subject in the meeting of the Board of Chief Engineers if necessary.

(ACTION: CHIEF ENGINEER(GENERAL))

6. COLLECTION OF BETTERMENT LEVY IN ADVANCE--PROCEDURE

TO BE EVOLVED:

Deputy Minister desired to have a detailed report from the Chief Engineer regarding the possibility of taking up of fresh works if advance contributions were to be given by the beneficiaries. The Chief Engineer(General) however pointed that even though the idea is very desirable this procedure may lead to certain commitments on the part of the Government and also create an impression that in certain backward areas where there is no such possibility of getting advance contribution for works may be regulated. The Deputy Minister however desired to examine this aspect and forward a detailed report to Government.

(ACTION: CHIEF ENGINEER(GENERAL))

COMMUNITY WELLS:

The Deputy Minister explained the desirability of taking up of community wells and running these schemes as Government schemes. The Chief Engineer(General) and other Superintending Engineers opined that this work can be done by Taluk Board as this required co-ordination and co-operation of several Departments.

8. LIFT IRRIGATION SCHEMES:

The Deputy Minister desired that Lift Irrigation Schemes as per standards laid down by Government of India should be sent to Government immediately. The Chief Engineer(General) intimated that information in respect of all the Circles(except Mysore Circle) is received and the same will be sent to Government shortly.

(ACTION: CHIEF ENGINEER(GENERAL)).

9. GIVING LAND FOR LAND IN THE AYACUT AREA FOR THOSE WHO HAVE LOST LAND IN THE SUBMERSION AREA:

The Chief Engineer and other officers ~~infore~~ informed that at present the persons whose lands are being submerged are not being given the priority regarding the disposal of Government lands in the Ayacut area of the same work. In ord

contd....5.

Appendix F. G. - 1]

SUBJECT

Proceedings of the Meeting of the Superintending
Engineers and the Chief Engineer held in the
Chambers of the Deputy Commissioner for the
Bongachan on 8-5-1965

Diary No. of letter replied to.....

Mysore Government Secretariat.

()
the 196

Date of Issue.....

Signed by.....

Section

File No. PWD 52LBW 65

Serial No.

No.

To

The Chief Engineer (G)
Bangalore.

For.

Forwarding copy of the proceedings
of the meeting of the C&S and
S&S held on 8.5.1965

List of enclosures.....

6. Collection of Settlements levy in
Advance of procedure to be evolved
 8. Lift Irrigation Schemes
- Copied by.....

Examined by.....

In inviting your attention
to your letter no PWD 169FY 6

dated 25-5-1965

On the above subject I

am directed to learn

you to forward a report

on the item no 6 and 8

of the Proceedings of

8.

the meeting at an early date. ~~As a result of~~
~~Item no 62 of the proceeding is also enclosed~~
for ready reference

Yours faithfully

Under Secretary to Govt,
P.W.D. S.P. Dm. S.P. Dm. S.P. Dm.

GOVERNMENT OF MYSORE

No. PWD 52 LBW 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, ... 1-7-65 ... 1965.

FROM

Secretary to the Government of Mysore,
Public Works Department.

TO

The Chief Engineer (General),
BANGALORE.

Sir,

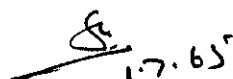
Sub:-Proceedings of the Meeting of the Superintending
Engineer and the Chief Engineer held in the Chambers
of the Deputy Minister for Minor Irrigation on 8-5-1965.

=====

In inviting your attention to Government letter No. PWD 16 IFY
65 dated 25-5-1965 on the above subject forwarding copy of the Proceedings
of the meeting of the Chief Engineer and Superintending Engineer
held on 8-5-1965, I am directed to request you to forward a report on the
item No. 6 and 8 (Regarding 6. collection of Betterment levy in
Advance Procedure to be evolved. 8. Lift-Irrigation Schemes) of the
proceedings of the meeting at an early date.

Yours faithfully,

Issued
1-7-65


(S.C. Wali)
Under Secretary to Government,
Public Works Department (Services
and Spl. Irrgn.).

kjp/28-6-65/2.

o/c

Chief Engineer (General)
- PWD, No 13.40, Bangalore-1.

No.IGN/282/PLN/65-66.

Dated -7-65.

To

1 No 6

29 JUL 1965

The Secretary to Government,
Public Works Department, BANGALORE.

Sir,

Sub: Proceedings of the meeting of the Superin-
tending Engineers and the Chief Engineer
(General) held in the chambers of the Deputy
Minister for Minor Irrigation on 8-5-1965.

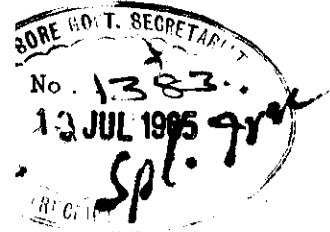
Ref: Government letter No.PWD 52 LBW 65 dated
1-7-65.

With reference to the above, I enclose herewith
the report on items (6) and (8) of the proceedings of the said
meeting.

Yours faithfully,

[Signature]
CHIEF ENGINEER (GENERAL).

MG.2/-7.7.



8/14/77
W.

N O T E.

Item No.6:

Collection of Betterment Levy in advance -
Procedure to be evolved:

Mysore Irrigation Act 1964 (Levy of Betterment and Contribution) provides for the Levy of different rates of betterment contribution on the atchkat benefited by the irrigation work on instalment basis, after the water is supplied to the fields. There is no provision however for collecting the betterment contribution in advance from the beneficiaries. Also this method of collecting the contribution in advance may lead to commitment on the part of the Government to take up more and more fresh works. [In the districts where the irrigation has already developed and people have realised the benefits of the same, the ryots in such districts may come forward to give in advance contribution to take up fresh works. In that case the prosperous districts may become more prosperous and backward districts may remain backward. In the backward districts, ryots may not come forward to pay contribution in advance as a result, no new projects may come up in these districts.]

Besides, there is already a large amount of spill-over works. It will be better if these spillover works are first completed before taking up fresh works. If the M.I. works are not completed within a reasonable time, the very purpose of taking up Minor Irrigation works gets defeated.

After considering all the aspects of the problem, it is felt that this proposal of collecting the advance contribution to start fresh works may not be put into force.

Item No (8):

LIFT IRRIGATION SCHEMES.

41 Lift Irrigation Schemes satisfying the ceilings fixed by the Government of India have already been proposed to the Government of India in the prescribed proforma. A copy of the same has been sent to the Secretary to Government of Mysore, Public Works Department under this office letter No.IGN/226/PLN dated 19-5-1965. Approval for the same is still awaited.

*File has been
subm. separately*

The second list consisting of 12 Lift Irrigation Schemes pertaining to Mysore Circle is being sent to Government of India.

The details of the 2 lists are as follows:

I - List.

NAME OF CIRCLE.	NO.OF SCHEMES.	ESTIMATED COST. Rs.	ATCHKAT Acres.
Belgaum	4	4,42,952	1035
Dharwar	6	10,69,900	1770
Raichur	18	29,35,100	6399
Spl.W/C. Circle	13	13,37,000	2394
Total	41	57,84,952	11598

II - List.

Mysore	12	9,22,900	2590
GRAND TOTAL:	53	67,07,852	14,188

Similar proposals are still awaited from the Superintending Engineer, Bangalore Circle and Shimoga Circles. They have been reminded again. As soon as they are received the third list consisting of proposals from Shimoga and Bangalore Circles will be submitted to Government.

[Signature]
CHIEF ENGINEER (GENERAL).

MG.3/-7.7.65. *[Signature]*

Notice

13

NO PWD 52 LBW 65

Subj: Meeting to discuss
matters relating to Advance
Betterment Contribution and
lift Irrigation Schemes.

A meeting is proposed to
be held in the chambers of
the Deputy Minister for Minor
Irrigation IInd Floor Vidhana
Soudha ^{R/bu} on Monday the 25th ~~Oct~~
1965 at 3.00 P.M. - to discuss
the matters relating to Advance
Contribution of Betterment levy
and Finalisation of the list of
lift Irrigation Schemes in
the State

A small note on the
subject is also enclosed herewith.
Kindly make it convenient to
attend the meeting.

- 1) The Secy to Govt ^{24/8} ~~Secy~~ Secy to Govt
P.W.D. P.W.D. (Sdgm)
- 2) " Secy to Govt R.D.
- 3) " Secy to Govt F.D.
- ✓ P.T.D.

12 Copies Pl

4) The Secy to Govt Law Dept.

5) The Chief Engineer (Ext) Blom.

6) The Chief Engineer (Electrical) Blom.

7. To Govt. Secy. -

Copy to Mr. P.A. to Dy. Minster for

Minor Deviation for information.

~~10/11/1952~~ -
From 3 copies.

NOTES IN RESPECT OF SUBJECTS PROPOSED TO BE
DISCUSSED IN THE MEETING PROPOSED TO BE HELD
AT 3 P.M. ON 25-10-1965 IN THE CHAMBERS OF
THE DEPUTY MINISTER FOR MINOR IRRIGATION.

ITEM (1). Collection of Betterment
Contribution in advance.

Some time back this subject was discussed in the Chambers of the Deputy Minister for Minor Irrigation when it was opined that the Chief Engineer (G) would consider the possibility and forward a report to Govt. on its implications. C.E.(General) on consideration of the issue has reported to Govt. stating that in the Mysore Irrigation (Levy of Betterment contribution and Water Rate) Act, 1964, no provision for collecting the Betterment Contribution in advance from the beneficiaries is made. The Chief Engineer is of the opinion collecting the contribution in advance may lead to commitment on the part of the Govt. to take more and more schemes. The Contribution of the ryots being only a small percentage of the total sum required for implementation of any project the financial commitments in respect of the scheme for which the small sum is collected as advance contribution would be ~~more~~ enormous and it may also lead to ^a situation in which people from certain prosperous Districts will come forward to pay this advance contribution thereby getting more and more benefits to that area, whereas people from the backward areas ~~were~~ ^{who are} unable to pay such advance contribution may not get their due share of attention in respect of creation of irrigation facilities.

At present there is a spill over of about 10 crores and during the year 1965-66 only two crores is allowed for Minor Irrigation works in P.W.D. Sector. Orders of Govt. have also been issued not to take up any fresh irrigation works until further orders. Even if no further commitment is made it is likely that the spill over at the commencement of the 1st year of the IV Plan, that is, 1966-67 would be about 8 crores. It is now roughly indicated that the financial allocation during 1966-67 may be equivalent to that of 1965-66. Such being the case it is a point for consideration whether it would be desirable to complete the incomplete works on hand and also take up fresh works thereby adding to the huge commitments already on hand.

In consideration of backwardness of certain areas and also the spill-over works being very few in number in certain areas, it may be desirable to take up a few minor irrigation works of very remunerative nature in such areas. The possibility of taking up a few such remunerative schemes in such ~~above~~ areas may probably be considered.

ITEM (2): Lift Irrigation Schemes--
Crash programme.

A list of 31 Lift Irrigation schemes amounting to Rs. 41.04 lakhs has been approved by the Govt. of India in their letter dated 23.9.65 intimating that a financial assistance of Rs. 5 lakhs would be available during 1965-66. After

receipt of the above list of 31 schemes
another list of 81 schemes has already
been forwarded to Govt. in Govt. letter
dated 14.2.1965

// The policy regarding execution and
maintenance of Lift Irrigation schemes
is being examined separately in consulta-
tion with D.P.C. Department and Revenue
Department and it is likely that a
policy decision in this behalf may be
taken shortly. In a meeting held in the
chambers of the Secretary to Govt. P.W.D.
on 6-10-1965 in connection with the
reorientation of the Annual Plan 1965-
66 it was indicated that Lift Irrigation
schemes along the fore-shore of
Tungabhadra Reservoir, K.R.S. Reservoir,
S.D. North channel, Kattepur Channel
etc. may be investigated as/in Ghataprabha ^{also}
and Malaprabha ^{Valley} may be investigated
and sent up to Govt. The possibility
of having Lift Irrigation schemes
in the above areas may probably be
considered.

W.P.O. 22 12K 65.

Hydro Government Secretariat,
Public Works Department,
Vichans Road,
Bangalore, dated 21-10-1965.

22

MEMORANDUM

Subject: Meeting to discuss matters relating
to Advance Settlement Contribution and
Lift Irrigation Schemes.

A meeting is proposed to be held in the Chambers of
the Deputy Minister for Minor Irrigation, 11th Floor,
Vichans Road, Bangalore on Monday the 25th October, 1965
at 3.00 P.M. to discuss the matters relating to Advance
Contribution of Settlement Levy and Finalisation of
the list of Lift Irrigation Schemes in the State.

A small note on the subject is also enclosed
herewith. Kindly make it convenient to attend the
meeting.

J. G. G. G.
21.10.65

(S. S. G. G.)

Under Secretary to Government,
Public Works Department (Spl. (Irr.)).

J. G. G. G.

The Secretary to Government, P. W. D.
The Secretary to Government, P. W. D.
The Deputy Secretary to Government, Minor Department.
The Secretary to Government, Irr. Department.
The Chief Engineer (General), Bangalore.
The Chief Engineer (Technical), Bangalore.
The Asst. Secretary to Government, P. W. D.

Copy to:-

S. S. to Deputy Minister for Minor Irrigation
for information.

per 2 copies.

Issued
per 22/10/65

spill over at the commencement of the 1st year of the IV Plan, that is, 1961-67 would be about 3 crores. It is now roughly indicated that the financial allocation during 1961-67 may be equivalent to that of 1961-64. Such being the case it is a point for consideration whether it would be desirable to complete the incomplete works on hand and also take up fresh works thereby adding to the huge commitments already on hand.

In consideration of backwaters of certain areas and also the spill-over works being very few in number in certain areas, it may be desirable to take up a few minor irrigation works of very remunerative nature in such areas. The possibility of taking up a few minor remunerative schemes in such areas may probably be considered.

1.2.12. List of irrigation schemes - (Contd.)

A list of 31 irrigation schemes submitted to the Govt. of India has been approved by the Govt. of India. Their letter dated 13-10-1960 indicates that a financial assistance of Rs. 10 lakhs would be available during 1961-62. After receipt of the above list of 31 schemes another list of 31 schemes has already been forwarded to Government of India. Letter is dated 14-10-1961.

The policy regarding construction and maintenance of irrigation schemes is being reviewed. A committee has been set up to study the matter. It is likely that a policy will be evolved by the Govt. of India. The Govt. of India is likely to take up a number of irrigation schemes in the country. The Govt. of India is likely to take up a number of irrigation schemes in the country.

-2-

indicated that lift irrigation schemes along the
fore-shore of Rajahmundry Reservoir, A.R.S. Reservoir,
S.S. North Channel, Santapur Channel etc. may be
investigated as also in Chintapada and Kalagachina
Valleys may be investigated and sent up to Government.
The possibility of having lift irrigation schemes
in the above areas may probably be considered.

DRAFT NOTICE.

NO.PWD 52 LB W 65.

22

Sub: Advance Betterment Contribution -
Lift Irrigation Schemes and Common
Irrigation Wells in the State -

Ref: Memo No.PWD 52 LBW 65 dated 22-10-65.

...

The next ★ meeting is proposed to be held in the Chambers of the Deputy Minister for Minor Irrigation, II Floor, Vidhana Soudha, Bangalore, on Monday the 1st November, 1965, at 3.00 p.m. to discuss the above subjects.

A small note on the subject has already been forwarded in the Memo No.PWD 52 LBW 65 dated 22nd October 1965. Kindly make it convenient to attend the meeting.

(S.C.WALI)
U/S to Government,
PWD (Services-C).

TO:

The Secretary to Government, P.W.D. (C)
do R.D. (C)
do F.D.
do L.D.

The Development Commissioner with a copy of the note. *He is requested to attend the meeting on the above - mentioned date*

The Chief Engineer, (General) Bangalore.

The Chief Engineer, (Irrigation Projects, B'lore.

Joint Secretary to Govt., P.W.D.

Copy to; *P.A. to the*
The Dy.Minister for Minor Irrigation, for information.

Spare copies - 3.

②. It is requested that a small note - pertaining to Common Irrigation Wells in the State may please be for circulation among the officials.

Karnataka Government
Public Works Department
Vidhana Soudha,
Bangalore, Dt/ 29th October '65

NO.PWD 52 LBW 65.

NOTICE.

Sub: Advance Betterment Contribution - Lift Irrigation
Schemes and Common Irrigation Wells in the State.

Ref: Memo No.PWD 52 LBW 65 dated 22nd October, 1965.

The next meeting is proposed to be held in the
Chambers of the Deputy Minister for Minor Irrigation,
II Floor, Vidhana Soudha, Bangalore, on Monday the
1st November, 1965, at 3.00 p.m. to discuss the above
subjects.

A small note on the subject has already been
forwarded in the Memo No.PWD 52 LBW 65 dated the
22nd October 1965. Kindly make it convenient to attend
the meeting.

Issued *[Signature]*
Under Secretary to Government,
P.W.D. (Services-8)
[Signature] 8.10.65

TO:

The Secretary to Government, P.W.D.

The Secretary to Government, Revenue Department. *

* It is requested that a small note pertaining to
Common Irrigation Wells in the State may please
be got circulated among the officers.

The Secretary to Government, Finance Department.

The Secretary to Government, Law Department.

The ~~Development~~ Divisional Commissioner with a copy of the note.
He is requested to attend the meeting on the
above mentioned date.

The Chief Engineer, (General) Bangalore.

The Chief Engineer, Irrigation Projects, Bangalore.

The Joint Secretary to Government, P.S.D.

Copy to:

The P.A. to the Deputy Minister for Minor Irrigation
for information.

Spare copies - 3.

GSS:

MINISTERIAL ORDER

N.º 52-43-65

Minister of Government Secretariat,
Public Works Department,
Vicinity Section,
Buenos Aires, 29th October 65.

Subject:

Subj: Waterways Administration - 1st Irrigation
Schedule and General Regulations in the State.

....

Let. N.º 52-43-65 dated 23rd October, 1965.

....

The next meeting is proposed to be held in the
Chambers of the Deputy Minister for Water Irrigation,
1st floor, Vicinity Section, Buenos Aires, on Monday the
1st November, 1965, at 3.30 p.m. to discuss the above
subjects.

A small note on the subject has already been
circulated in the N.º 52-43-65 dated 23rd
October 1965. Kindly note it is requested to attend
the meeting.

S. L. G. Ch.
29.10.65

(N.º 52-43-65)
Order issued by the Government,
Buenos Aires, 29th October 1965.

To:

The Secretary to Government, Buenos Aires.
The Secretary to Government, Buenos Aires.

It is requested that official note regarding the
above subject be sent to the relevant authorities
to be distributed to the relevant authorities.

The Secretary to Government, Buenos Aires.
The Secretary to Government, Buenos Aires.

The Government Secretariat, Buenos Aires.
He is requested to attend the meeting on the above
mentioned date.

The Chief Engineer, General Directorate.
The Chief Engineer, General Directorate.
The Chief Engineer, General Directorate.

*Delivered from
order N.º 52-43-65*

(8) M. S. L. G. Ch.
Buenos Aires

cc: for

cc: for the Deputy Minister for Water Irrigation,
1st floor, Vicinity Section,
Buenos Aires - 3.

Done

21

DRAFT PROCEEDINGS OF THE MEETING HELD IN THE
CHAMBERS OF THE DEPUTY MINISTER FOR MINOR
IRRIGATION ON 1-11-1965.

The following officers were present.

- 1) Sri Vasudeva Rao, IAS,
Development Commissioner.
- 2) Sri R. Sanjeevalu,
Law Secretary.
- 3) Sri B.S. Srikantiah,
Revenue Secretary.
- 4) Sri S.G. Balakundry,
Chief Engineer (Gen.)
- 6) Sri M.L. Ramaswamy,
Deputy Secretary, Law Deptt.
- 7) Sri S.C. Javali,
Deputy Chief Engineer.
- 5) Sri Safiulla,
Chief Engineer, M.S.E.B.

The following subjects have been discussed.

1) Lift Irrigation Schemes - Crash programme.

The list of 31 Lift Irrigation schemes amounting to Rs.41.04 lakhs sanctioned by the Govt. of India in the letter dated 23.9.65 have been discussed. The Chief Engineer(G) informed that out of these 31 Lift Irrigation schemes, in respect of 11 schemes the power line is within a distance of one mile. In respect of 8 schemes the distance ^{of power line} is between 1-10 miles, in respect of another 12 schemes the distance of power line is about 10 miles, Hence the power feasibility of these projects has to be examined before taking up of these works. Even in respect of the 31 Lift Irrigation schemes already sent up

to Govt. of India this aspect of power feasibility has not been examined. It has been opined that it would be desirable that in respect of all Lift Irrigation schemes the power feasibility is a very important factor and even though the scheme is sanctioned it cannot be executed unless requisite power is available immediately. Hence it has been decided that in respect of all these Lift Irrigation schemes, the map showing the proposed ~~allocation~~ location of these schemes has to be immediately prepared and the matter discussed with the Chief Engineer, M.S.E.B. regarding availability of the power ~~immediately~~ or the possibility of providing power within a reasonable time and then further action taken in the matter. As the Lift Irrigation schemes now sanctioned by Govt. of India are under Crash Programme which has to be implemented immediately action on the above lines should be taken by the Chief Engineer(G) and the Chief Engineer, M.S.E.B. immediately.

Regarding the several other Lift Irrigation schemes which have already been prepared some time back and which have been under correspondence for want of a policy decision as to the agency of execution and maintenance it has been decided that these schemes can also be examined and taken up by the P.W.D. after necessary rules in this respect are framed. It was also opined that in respect Lift Irrigation schemes it is not the contribution that is important but it is the water rate that has to be paid by the beneficiaries (in order to make the schemes

is important

a self-supporting) (It was discussed whether it would be possible to frame rules regarding levying ~~the~~ suitable water rates on "No profit no loss" basis and take up these schemes immediately. ~~But~~ The Development Commissioner suggested that he would send some draft rules indicating the requirements which will have to be further processed by the P.W.D. in the light of the irrigation act, and Betterment Levy act.

The possibility of obtaining agreements from the beneficiaries agreeing to pay a certain amount as contribution and to pay water rates based on the crop grown. *is also to be examined and decision taken.*

SUBJECT NO.2. Collection of advance Betterment contribution.

--

(A) This subject has been discussed with the Law Secretary. The Law Secretary opined that it would be possible to frame act on the lines of Andhra Pradesh Act wherein the levy of Betterment contribution in advance has been incorporated. He said that he would be sending this to the concerned administrative Secretariat for taking further action in the matter.

SUBJECT No.3. Community Wells.

--

The Development Commissioner who was present at the outset explained the discussion had on the Report of Sri M.A.T.Iyengar regarding construction of community wells for irrigation purposes. He informed that considering the enormous cost and also other financial implications involved the scheme

is not encouraging for Mysore State. However as a Pilot Project it may be tried in a few places where water potential is said to be assured.

The idea of having "Common Irrigation well" schemes to benefit not more than 50 Acs in each case will have to be considered in view of the smallness of the holdings which are now denied benefits of irrigation loans under any scheme so far. Survey of such schemes wherever it is feasible may be made and Reports submitted for consideration.

Sh
15/11/65

2:9

SUBJECT Bellemont
Advance Contribution - Left Irrigation Schemes
And Common Irrigation Wells in the State

Diary No. of letter replied to

Section

File No.

Mysore Government Secretariat.

Serial No.

()

the 195 .

No.

To

Date of issue.....

The Chief Engineer (P).
Bangalore

Signed by.....

Sir.

In enclosing herewith
 a copy of ~~draft~~
 Proceedings of the
 meeting held on 1.11.65
 in the
 Chambers of the Deputy
 Minister for Minor Irrigation
~~on 1.11.1965~~ on

List of enclosures

Copied by.....

the above Subj., I

Examined by

Am directed to

p. 25 of 270

to request you to ^{take necessary} ~~examine~~ ^{me}
 action on the matter and
~~material~~ and forward a report ^{to} ~~me~~ ⁱⁿ ~~the~~ ^{information} ~~for~~ ^{for} ~~at an early date~~

Yours faithfully,

(M) 29/11/68

Dep't Secretary to Govt.

1) P.O. Secy & Secy: col

- P.A. to
- 1) Cpm to Development Commission for information
 - 2) " " Mr. I Laloi

(M) 29/11/68

GOVERNMENT OF MYSORE

31

No. P.D 52 LSW 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, .. / 3. 12. 1965.

Secretary to the Government of Mysore,
Public Works Department.

To

Chief Engineer (General),
BANGALORE.

Sir,

Sub-Advance Government contribution - Lift Irrigation
Schemes and common Irrigation wells in the state.

In enclosing herewith a copy of Proceedings of the meeting held on 1-11-65 in the chambers of the Deputy Minister for Minor Irrigation on the above subject, I am directed to request you to take necessary action in the matter and forward a report of action taken in implementing the decisions for information of Government.

Yours faithfully,

sd/-

(M. Channappa)

Deputy Secretary to Government,
Public Works Department (Irrigation).

kjp/30-11-65/4.

1. Copy to P.A. to Development Commissioner for information.
2. -do- Minor Irrigation Section.

AM 10/12/65

Deputy Secretary to Government,
Public Works Department (Irrigation).

M/13/12/65

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3/12*

DRAFT PROCEEDINGS OF THE MEETING HELD IN THE CHAMBERS OF
THE DEPUTY MINISTER FOR MINOR IRRIGATION ON 1-11-1965.

=====

The following officers were present:-

- 1) Sri Vasudeva Rao., I.A.S.,
Development Commissioner.
- 2) Sri B. Sanjeevalu.,
Law Secretary.
- 3) Sri B.C. Prikantiah.,
Revenue Secretary.
- 4) Sri S.G. Balekundry.,
Chief Engineer (General).
- 5) Sri Safiulla.,
Chief Engineer., Mysore State Electricity Board.
- 6) Sri M.S. Ramaswamy.,
Deputy Secretary, Law Department.
- 7) Sri T.C. Javali.,
Deputy Chief Engineer.

The following subjects have been discussed.

- 1) Lift Irrigation Schemes - Crash Programme.

The list of 31 Lift Irrigation schemes amounting to Rs. 41.04 lakhs sanctioned by the Government of India in the letter dated 23-3-65 have been discussed. The Chief Engineer (G1) informed that out of these 31 Lift Irrigation Schemes, in respect of 11 schemes the power line is within a distance of one mile. In respect of 8 schemes the distance of power line is between 1-10 miles, in respect of another 12 schemes the distance of power line is about 10 miles, hence the power feasibility of these projects has to be examined before taking up of these works. Even in respect of the 31 Lift Irrigation Schemes already sent up to Government of India this aspect of power feasibility has not been examined. It has been opined that it would be desirable that in respect of all Lift Irrigation schemes the power feasibility is a very important factor and even though the scheme is sanctioned it cannot be executed unless requisite power is available immediately. Hence it has been decided that in respect of all these Lift Irrigation schemes, the map showing the proposed location of these schemes has to be immediately prepared and the matter discussed with the Chief Engineer, Mysore State Electricity Board regarding availability of the power or the possibility of providing power within a reasonable time and then further action taken in the matter.

As the Lift Irrigation schemes now sanctioned by Government

India are under Crash Programme which has to be implemented immediately action on the above lines should be taken by the Chief Engineer(General) and the Chief Engineer, Mysore State Electricity Board, immediately.

Regarding the several other Lift Irrigation Schemes which have already been prepared some time back and which have been under correspondence for want of a policy decision as to the agency of execution and maintenance it has been decided that these schemes can also be examined and taken up by the P.W.D. after necessary rules in this respect are framed. It was also opined that in respect of Lift Irrigation schemes it is not the contribution that is important but it is the water rate that has to be paid by the beneficiaries (in order to make the schemes a self-supporting) is important. It was discussed whether it would be possible to frame rules regarding levying suitable water rates on "No Profit no loss" basis and take up these schemes immediately. The Development Commissioner suggested that he would send some draft rules indicating the requirements which will have to be further processed by the P.W.D. in the light of the irrigation act, and Settlement Levy act.

The possibility of obtaining agreement from the beneficiaries agreeing to pay a certain amount as contribution and to pay water rates based on the crop grown is also to be examined and decision taken.

SUBJECT NO.2:- Collection of advance Settlement contribution.

This subject has been discussed with the Law Secretary. The Law Secretary opined that it would be possible to frame act on the lines of Andhra Pradesh Act wherein the levy of Settlement contribution in advance has been incorporated. He said that he would be sending this to the concerned administrative Secretariat for taking further action in the matter.

SUBJECT NO.3:- Community wells.

The Development Commissioner who was present at the outset explained the discussion had on the report of Sri M.A.L. Iyengar regarding construction of community wells for irrigation purposes. He informed that considering the enormous cost and also other financial implications involved the scheme is not encouraging for Mysore State.

However as a Pilot Project it may be tried in a few places where water potential is said to be assured. The idea of having "Common irrigation well" schemes to benefit not more than 50 Acres in each case will have to be considered in vi w of the smallness of the holdings which are now denied benefits of irrigation Loans under any schemes so far. Survey of such ~~xxxxxx~~ schemes wherever it is feasible may be made and reports submitted for consideration.

=====

Singh
4/12

PROCEEDINGS OF THE GOVERNMENT OF MYSORE
(Public Works & Electricity Department)

SUBJECT: Lift Irrigation Schemes - Crash programme
Execution of - Maintenance by Government-
Issues Orders.

PREAMBLE

....
The Policy of Government hitherto in respect of execution of Lift Irrigation schemes was that all Lift Irrigation schemes should be taken up as co-operative ventures only as it would ensure proper maintenance and utilisation of benefits equitably without any sort of intervention in day to-day matters, maintenance. ~~of~~ In respect of certain schemes taken up by Government, there have been lot of difficulties in maintenance with abnormal cost.

The Government of India have now sanctioned 31 Lift Irrigation schemes under crash programme out of 53 schemes forwarded to them, at a total cost not exceeding Rs.41.04 lakhs during the financial year 1965-66 and 1966-67; besides another set of 81 schemes costing above one crore have also been forwarded to Government of India for necessary financial assistance.

The question of the actual implementation of the schemes was under consideration of Government for sometime past. It was considered that in view of the delays involved in getting the schemes executed through Co-operative Societies and in view of the urgency of pushing through these schemes expeditiously, with a view of stepping up Agricultural Production it is found desirable to execute them as Government schemes and later on handing them over to the cooperative societies for maintenance whenever they come forward to take them up.

In view of the present emergency and of the need to step up food production, Government have decided that these schemes should be taken up with the utmost speed as the present critical food situation does not brook any delay.

O R D E R NO. PWD 2 LKS 63.

DATED: BANGALORE: DATED THE 16th NOVEMBER, 1965.

On careful examination of all aspects of the case Government have been pleased to direct that in the present circumstances, Lift Irrigation schemes under crash programme should be taken up for execution by the Government through Public Works Department and manage them in the initial stages, instead of expecting beneficiaries to undertake them through Co-operative Societies which would be a long drawn process.

In regard to water rates to be charged in respect of these Lift Irrigation schemes, the Chief Engineer (General) shall take

contd.....P.2)

/ 2 /

shall take necessary action to fix the water rates permissible under the Mysore Irrigation (Lev. and Water Rate) Act, 1957 as amended by Act No.8 of 1964 and the rules framed thereunder, taking into account the cost of supply of water ~~xxx~~ under such schemes.

The Chief Engineer (General) is also requested to ~~xx~~ detail officers having missionary zeal to these works and see that all possible steps for the ~~xxxx~~ successful implementation and maintenance of these schemes are taken. In respect of other Lift Irrigation schemes (other than urban crash programmes) the matter is still under consideration of Government and separate orders will issue.

BY C R AND IN THE NAME OF
TH OVERNOR OF MYSORE

M. Channappa 16/11/65

(M.CHANNAPPA),

Deputy Secretary to Government,
P.W.Department (Irrigation).

To

The Chief Engineer (General), Bangalore.
The Accountant General, Mysore, Bangalore, through FD.
The Chief Engineer (I.P.), Bangalore.
The Chief Engineer (Investigation of Projects), Bangalore.
All the Divisional Commissioners.
All the Superintending Engineers of Circle
The Chairman M.S.E.B., Bangalore.
The Director of Agriculture, Mysore, Bangalore
All the Executive Engineers.
All the Deputy Commissioners of Districts.
Copy to Private Secretary to Chief Minister.
Copy to P.A. to Deputy Minister for Minor Irrigation.
—cc— Development Panchayati Raj & Cooperation Department
Agriculture & Forest Department.
Electrical Section.
Weekly Gazette.
S.G.File.

MGS.MS.

ghps:161165(copies)

THE ANDHRA IRRIGATION (LEVY OF BETTERMENT
CONTRIBUTION) ACT, 1955.

(Received the assent of the Governor on
29th December, 1955. Published in the Andhra
Gazette, Part IV-B, page 77, dated 22nd December, 1955)

ACT NO. XXV OF 1955.

An Act to provide for the levy of betterment
contribution on certain lands in the (State of
Andhra Pradesh).

Whereas it is expedient to provide for the
levy of betterment contribution on certain lands
in the (State of Andhra Pradesh).

Be it enacted in the Sixth Year of the
Republic of India as follows:-

1. Short title and extent.-(1) This Act
may be called The Andhra Irrigation (Levy of
Betterment Contribution) Act, 1955.

(2) It extends to the whole of the (State
of Andhra Pradesh).

2. Definitions.- In this Act, unless there
is anything repugnant in the subject or context, --

((1) 'Andhra area' means the territories
which immediately before the 1st November 1956
were comprised in the State of Andhra;)

(1)(a) "contribution" means the betterment
contribution referred to in section 3;

(2) "Government" means the State Government;

(3) "notification" means a notification
published in the Andhra Gazette, and the word
"notified" shall be construed accordingly;

- 2 -

(4) "owner" in relation to any land, means the person liable to pay the public revenue due on the land, and includes a ryot having a permanent right of occupancy within the meaning of the Madras Estates Land Act, 1908 (Madras Act 1 of 1908);

(Explanation:- The expression "person liable to pay the public revenue", in relation to any land in respect of which no public revenue is payable means the person who would have been liable to pay public revenue had it been payable on such land.)

(5) "prescribed" means prescribed by rules made under this Act;

((5-a) 'Telangana area' means the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956))

(6) "work" means an irrigation work or drainage work as defined hereunder --

(a) "irrigation work" includes --

(i) all canals, channels, tanks, wells, reservoirs, ponds, spring ponds and madugas used for the supply or storage of water for purposes of irrigation; and all dams, embankments, weirs, sluices, groynes and other works (other than escape channels) connected therewith or auxiliary thereto, which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person;

(ii) all such lakes and other natural collections of water, or parts thereof, as are situated on lands which are the property of Government;

(iii) all rivers and natural streams or parts thereof;

(b) "drainage works" includes the following works which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person:

(1) channels whether natural or artificial, for the discharge of waste or surplus water, and escape channels from an irrigation work, together with dams, embankments, weirs, sluices, groynes and other works connected with or auxiliary to all such channels;

(ii) all works for the protection of lands from floods or from erosion.

Explanation: For the purposes of this clause, any part or stage of a work which is notified under sub-section (2) of section 3 shall be deemed to be a 'work'.

3. Levy of betterment contribution.-

The Government shall be entitled to levy a betterment contribution in accordance with the provisions of this Act from the owner of any land which in their opinion, is benefited or is capable of being benefited, by the completion of the construction, expansion or alteration by the Government of any work, including the installation by them of a pumping set, the cost of which exceeds one lakh of rupees, if the construction, expansion or alteration of such work is completed --

(a) in the Andhra area, whether after the commencement of this Act or at any time before such commencement but not earlier than the 15th August 1947;

(b) in the Telangana area, whether

- 4 -

after the commencement of the Andhra Irrigation (Levy on Betterment Contribution) Andhra Pradesh Extension and Amendment Act, 1959:

Provided that nothing contained in this Act shall apply to any such work in the Telangana area, if not less than two-thirds of the total cost of the construction, expansion or alteration thereof was incurred before the commencement of the Act aforesaid:

Provided further that no contribution shall be levied until the expiry of three years from the date of completion of the construction, ^{any} expansion or alteration of work.

Explanation I: A land shall be deemed to be 'capable of being benefitted' notwithstanding that the benefit is not enjoyed provided that such non-enjoyment is due solely to any action or inaction on the part of the person or persons interested in such land.

Explanation II. A land shall not be deemed to be benefitted merely by reason of the maintenance of an existing work wholly or partly at the expense of the Government.

(2) The Government shall notify the dates of commencement and completion respectively of the construction, expansion or alteration by them of any work either for the entire work or for any part ~~of~~ or stage thereof, and all lands benefitted or capable of being benefitted by the completion of such work part or stage as so notified shall be liable to pay betterment contribution.

4. Amount of contribution.— (1) The amount

of contribution payable by an owner in respect of any land under a work shall be so fixed as not to exceed one-half of the increase in value on account of the completion of the construction, expansion or alteration of the work.

(2) For the purposes of this section, the increase in value on account of the completion of the construction, expansion or alteration of any work shall be the amount by which the value of the land on the completion date exceeds the value of the land on the construction date.

Explanation.— "Construction date" and completion date" means the date of commencement and completion respectively of any work or part or stage thereof as notified under sub-section (2) of section 3.

5. Publication of notice.— (1) Before levying the contribution payable in respect of any land, a notice shall be published by the District Collector in ~~maxi~~ the District Gazette (and if no such gazette is published in any District, then in Andhra Pradesh Gazette) and in such other manner as may be prescribed, specifying the lands under the commandable ayacut of the work and liable for the payment of contribution and requiring all persons interested to submit their objections, if any in writing to the Inquiring Officer prescribed in this behalf or to appear before him either personally or by agent and state their objections within forty-five days of the publication of the notice.

(2) Separate notices to the same effect shall also be served in the prescribed manner on all persons known or believed to be the owners of, or

interested in the lands specified in the notice, so far as such service may be practicable.

6. Inquiry and order by District Collector.-

On the date fixed under section 5 or on such other date to which the inquiry may be adjourned, the Inquiring Officer shall inquire into the objections received or recorded by him and submit the records of inquiry to the District Collector together with his recommendations. The District Collector shall thereupon pass ~~an~~ an order specifying --

(a) the lands concerned under the irrigable command of the work,

(b) the increase in value of such lands by the completion of the construction, expansion or alteration of the work,

(c) the amount of the contribution leviable on each of the said lands and

(d) the fasli year from which the contribution shall be leviable.

Appeal.-

7./Any person aggrieved by an order passed by the District Collector (under this Act) may within sixty days from the date of receipt of such order by him, appeal to the Board of Revenue (and the Board may pass such order on the appeal as it thinks fit).

8. Revision.- The Government may, at any time, either suo motu or on application, call for and examine the records relating to any order passed, or proceeding taken by the Inquiring Officer or the District Collector (under this Act), or by the Board of Revenue under section 7, for the purposes of satisfying themselves as to the legality or

propriety of such order, or as to the regularity of such proceeding, and pass such order in reference thereto as they think fit.

(Provided that the Government shall not pass any order prejudicial to any person unless such person has had a reasonable opportunity of making a representation).

9. Finality of orders.- Any order passed by the Government in revision under section 8 and subject to such order, the decision of the Board of Revenue on appeal under section 7, and subject to the order of the Government and the decision of the Board of Revenue on appeal, the order passed by the District Collector (under this Act) shall be final.

10. When contribution becomes payable.- Contribution shall become payable under this Act on a written notice of demand therefor issued by an officer authorised by the Government in this behalf being served on the owner in accordance with the order passed under section 6, section 7 or section 8 specifying the amount payable.

11. Mode of payment of contribution.-
(1) The contribution payable by an owner shall be paid by him (in twenty annual instalments).

Provided as follows:

(i) if, on or before the date on which the first instalment is payable, the owner pays in a lumpsum the entire contribution, he shall be entitled to a rebate of ten per cent calculated on such contribution;

(ii) if, on any date within a period of two years after the first instalment is payable,

he pays in a lumpsum the entire amount of contribution outstanding against him on that date, he shall be entitled to a rebate of ten percent, calculated on such outstanding amount.

Explanation.- In the case mentioned in ~~provision~~ proviso (ii), if the owner had not paid the amount of instalment or instalments payable by him before the date mentioned in that proviso, the amount of such instalment or instalment shall be deducted from the lumpsum paid by him, and the rebate shall be calculated only on the balance.

(2) Where the betterment contribution is paid in instalments, interest shall be calculated on the contribution amount outstanding at the end of each year at such rate as may be prescribed, and the contribution with interest at so calculated shall be payable in equated annual instalments.

(3) (Subject to such rules as may be made in this behalf the owner of any land) in respect of which any contribution is payable, may instead of making γ a lumpsum payment in cash, surrender to the Government any land the value whereof is, in the opinion of the District Collector, equal to the amount of the contribution less a rebate as provided in sub-section (1) γ :

Provided that the District Collector may, for reasons to be recorded in writing, refuse to accept any land offered by the owner.

12. Rebate in certain other cases.- If the Government accept or have accepted any money contribution from any person for the construction, expansion or alteration of any work and such person becomes liable to pay contribution in respect of any land benefited or capable of being benefited

by such construction, expansion or alteration, the sum accepted from him shall be credited towards the contribution payable by him.

13. Contribution recoverable as arrear of land revenue.- Contribution payable under this Act in respect of any land shall be deemed to be public revenue due upon the said land; and the land, its products and the buildings (owned and occupied by the owner) standing upon the land shall be regarded as security of the contribution. When the whole or portion of an instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment or its unpaid portion and the interest due thereon shall be deemed to be an arrear of land revenue and the provisions of the Madras Revenue Recovery Act, 1864) (Madras Act II of 1864) shall apply to the recovery of the said arrear as they apply to the recovery of the revenue due on the land.

14. Payment of contribution by person having interest in land. Any person having interest in a land may, notwithstanding that he is not the owner of such land, pay the contribution payable by the owner in respect of such land and shall if such person pays the entire contribution in accordance with the provisions of section 11, be entitled to the rebate provided by that section.

15. Payment of contribution by actual occupants and ryots with occupancy rights.- Where an owner who has paid an instalment of contribution under this Act is not the occupier of the land, he shall, in the absence of the contract to the contrary, be entitled to recover the amount of such

- 10 -

instalment from the person, other than a tenant, who is in actual occupation of the land during the year in which the said instalment is payable.

Provided that, where the owner has paid the entire contribution with a rebate under the proviso to sub-section (1) of section 11 a twentieth part of the sum actually paid shall be deemed to be the instalment of the contribution payable during every year during which an instalment of the contribution would have been payable had the entire contribution not been so paid.

16. Exemption.— If, in the opinion of the Government, the enforcement of all or any of the provisions of this Act will cause hardship in any case or cases, the Government may, by notification, setting out the ground therefor, exempt either permanently or for a specified period such case or cases from all or any of the provisions of the Act, subject to such conditions, if any, as the Government may deem fit to impose.

17. Bar of jurisdiction of civil courts.— No Civil court shall entertain any suit or other proceeding to set aside or modify any order or decision passed by the District Collector, the Board of Revenue or the Government under this Act or in respect of any other matter falling within the scope of any of those authorities.

18. Power to make rules.— (1) The Government may, by notification, make rules to carry out the purposes of this Act and in particular --

(a) for the delegation of their powers to the Board of Revenue, District Collector or other

authorities;

(b) for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated;

(c) for the procedure to be followed in making inquiries under section 6 and in disposing of appeals under section 7;

(d) for the manner of service of notices and orders issued under this Act;

(e) for the manner in which the instalments of contribution shall be paid;

(f) for all matters expressly required or allowed by this Act to be prescribed.

(2) All rules made under this section shall be published in the Andhra Gazette and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislative Assembly as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Assembly may make within fourteen days thereafter during the session in which they are so laid.

(18-A. Power to remove difficulties.-

If any difficulty arises in giving effect to the provisions of this Act and in particular in their application to the Telangana area, the Government may, by order in the Andhra Pradesh Gazette, make such provisions, not inconsistent with the purpose of this Act, as appear to them to be necessary or expedient for removing the difficulty.)

19. Savings.- Nothing contained in this Act shall apply to the levy, determination, payment or

- 12 -

recovery of betterment contribution from the owner of lands which are benefited, or are capable of being benefitted by the construction, expansion or alteration of any work, if provisions in that behalf is contained in any other law relating thereto and for the time being in force.

Inf

(D. No) 52LBW65

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The Secretary to Govr. of

Andhra Pradesh

P. W. Dept.

Hyderabad

Sir,

Sub: Advance Betterment Contribution.

I am directed to state

that a question has arisen as to
whether ~~Advance Betterment Contribution~~ ^{advance betterment contribution}

can be collected from the ryots

compulsorily. There is no provision

in the Mysore Irrigation (Levy of B. C and
water rate) Act, 1957, as amended for

levy of advance betterment contribution.

In order to examine the entire question

in detail, I ^{am to} request you ^{kindly} to forward

a copy of the Andhra Irrigation (Levy of
Betterment Contribution) Act, 1955 and

subsequent amendments thereto

along with copies of the rules, ~~any~~,
made thereunder in this behalf.

J.F.
[mi
16/7]
S/S

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Government of Mysore

NO. PWD 52 LEW 65.

Mysore Government Secretariat
"Vidhana Soudha"
Bangalore, dated 21 July '67

From

The Secretary to Government of Mysore,
Public Works Department, Bangalore.To
The Secretary to Government of Andhra Pradesh,
Public Works Department,
Hyderabad.

Sir,

Subject: Advance Betterment Contribution.

I am directed to state that a question has arisen as to whether advance betterment contribution can be collected from the ryots compulsorily. There is no provision in the Mysore Irrigation (Levy of Betterment Contribution and water rate) Act, 1957, as amended, for levy of advance betterment contribution. In order to examine the entire question in detail, I am to request you kindly to forward a copy of the Andhra Irrigation (Levy of Betterment Contribution) Act, 1955 and subsequent amendments thereto along with copies of the rules, made thereunder in this behalf.

Yours faithfully,

PM
(M. Channappa),
Deputy Secretary to Government,
Public Works Department. (Irrgn).

BRG.
19-7-67.

Issued
21/7/67

SUBJECT:

Advance Betterment Contribution

Diary No. of letter replied to

Section

File No.

Mysore Government Secretariat,

Serial No.

()
the 195 .

No. PWD 52 LB 65

To The Secretary to Govt. of
Andhra Pradesh,
P. W. D
Hyderabad.

Date of issue.....

Signed by.....

Sir,

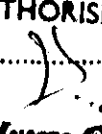
Sub :- A above

I am directed to invite reference to this Govt. letter No. PWD 52 LB 65 d. 21-7-1967 on the above subject and to request you to kindly to forward copies of the Act and Rules with amendments early.

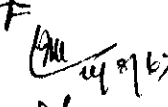
List of enclosures

Copied by.....

AUTHORISED FOR ISSUE


Section Officer,
Mysore Government Secretariat

Examined by

 YF

 2/5

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GOVERNMENT OF MYSORE

No. PWD 50 LEW 65

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 7th August 1967.

FROM

The Secretary to the Government of Mysore,
P.W. & Electricity Dept.
Bangalore.

TO

The Secretary to the Govt. of Andhra Pradesh,
Public Works Department,
Hyderabad.

Sir,

Subj:-Advance Betterment Contribution.

--

I am directed to invite reference to this Government letter No. PWD 50 LEW 65 dated 21.7.1967 on the above subject and to request you kindly to forward copies of the Act and Rules with amendments early.

Yours faithfully,

Sd/-

Authorised for Issue.

(M.Channappa)
DY. SECRETARY TO GOVT.
P.W.D. (INRGN.)

SECTION OFFICER,
P.W.D. (I).

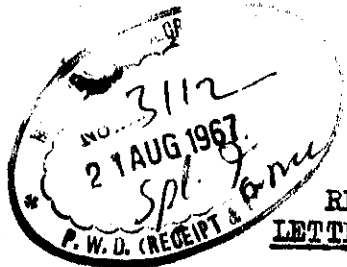
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REVENUE DEPARTMENT
LETTER No. 2502-M/67-1.REV.

From.

Sri S.R.Ramamurthi, I.A.S.,
Joint Secretary to Government.

To

The Secretary to Government of Mysore,
Public Works Department,
"Vidhana Soudha"
BANGALORE. (with enclosures)

Sir,

Hyderabad, dated the 10th August 1967.

Sub:- ADVANCE BETTERMENT CONTRIBUTION -
Collection of -Supply of Copy of the
Act. - Regarding.

Ref:- Your letter No.PWD.52/LBW/65,
dated 21-7-1967.

I am directed to enclose herewith a copy of
the Andhra Pradesh Irrigation (Levy of Betterment
Contribution and Advance Betterment Contribution) Act.,
1955 and the rules framed thereunder, as desired.

Yours faithfully,

B. Ramamohana Rao
11.8.67

(B.RAMANOMHANA RAO)
for Joint Secretary to Govt.

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THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRI-
BUTION AND WATER RATE) (AMENDMENTS) BILL, 1967.

A Bill ^{for the} to amend the Mysore Irrigation (Levy of Betterment Contribution and ^{water} rate) ~~19~~ Act, 1957.

Whereas it is expedient ^{to} amend the Mysore Irrigation (Levy of Betterment Contribution and Water rate) Act, 1957 (Mysore Act No 28 of 1957);

Be it enacted by the Mysore State Legislature in the ^{eighteenth year} ~~18th~~ year of the Republic of India as follows:

1. Short title and Commencement:- (1) This Act may be called the Mysore Irrigation (Levy of ^{B.C. and} ~~B.C.~~ and Water Rate) (Amendment) Act, 1967.

(2) It shall come into force at once .

2. Amendment of Section 2:- In Section 2 of the Mysore Irrigation (Levy of ^{water contribution} ~~B.C. and Water Rate~~) Act, 1957 (hereinafter referred to as the Principal Act),

^{sub-section} for sub-section (b) , the following shall be substituted, namely;-

" (b) 'Contribution' means the betterment contribution referred to in Section 3; and 'Advance Contribution' means the Advance betterment contribution referred to in Section 3A ".

3. Insertion of New Section 3 A :- After Section 3 of the Principal Act, the following section shall be inserted, namely:-

" 3 A (i) Notwithstanding anything in this Act, where the Government have ^{has} prepared a scheme for the construction, expansion or alteration by them of any work, the estimated cost of which exceeds Rs., and have localised the ~~excess~~ land which, in ^{its} ~~their~~ opinion, are capable of being benefitted by the completion of such work, and where ^{it} ~~they~~ propose to implement the scheme on

*In the preamble.
the estimated cost
is given as Rs.
lacs.*

the payment of an advance betterment contribution as provided hereunder, by the owners of such lands, the Government may publish the scheme in the Official Gazette~~r~~ and in such other manner as may be prescribed; such scheme shall specify the lands under ~~which~~^{such} ~~commandable~~^{irrigable} ~~amount~~ of the work, which are so capable of being benefitted, the approximate amount of ^{Advance} Betterment Contribution payable per acre for each class of such lands and such other particulars as may be prescribed, and shall require the owners of all such lands to express their willingness in writing within such time as may be prescribed, to make such Advance Contribution towards such works either in one lumpsum ~~or~~^{or} in equal annual instalments in the case of owners holding not more than acres of dry land each, and in the case of owners holding not more than acres of dry lands each, and in the case of owners holding more than acres of dry lands or holding any extent of wet lands, either in one lumpsum or in equal annual instalments.

(ii) Where the owners of not less than 66 % of the lands referred to in ~~Section~~^{sub-section} (i) so expressed their willingness in writing, the Government shall be entitled to levy and collect an advance betterment contribution from the owners of all the lands referred to in ^{sub-section} (i) ~~the advance betterment contribution~~

(iii) Where ~~in~~ threefifths of the first instalment of the Advance Betterment Contribution payable by the owners of all the lands referred to in ~~Section~~^{sub-section} (i) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than threefifths of the first instalment of the advance

Betterment Contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under ^{sub-section} (4), but shall refund amounts so paid to the owners concerned. Where the Government commences the execution of the work, the Deputy Commissioner, or any Officer authorised by him in this behalf, shall, immediately after such commencement, of the execution of such work, by an order direct the owners of the lands referred to in ^{sub-section} (1) who have failed to pay, within the time specified therefor, any instalment of the Advance Betterment Contribution, to pay it within such time as may be prescribed;

(iv) As soon as may be, after the date of completion of such works the amount of contribution payable under section 3 by an owner in respect of any land referred to in (1) of this Section, shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount of advance Betterment Contribution paid by such owner under this Section be adjusted towards the amount so determined. If, as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be; or to (1) notwithstanding that

~~4. Substitution of New Section for Section 4:—4 For~~
 Section 4 of the Principal Act, the following Section shall be substituted, namely:—
 Amount of Betterment Contribution and Advance Betterment Contribution.—(1) The Amount of Betterment contribution ^{or} and advance betterment contribution payable in respect of any land referred to in Section 3 ^{or} Section 3-A shall be an amount equal to ~~maximal~~ one-half of the difference between the market value of such land before the date of commencement of the

construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of betterment contribution or advance betterment contribution payable in respect of any land shall not be more than Rs. 300-00 (Rupees Three hundred only) per acre:

Provided further that no betterment contribution or advance betterment contribution shall be leviable in respect of any land, -

- (i) which is unarable (Kharab); or
- (ii) benefitted by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bundhara, Pond, Spring pond, Kunta, Talaparige or Madugu which is not capable of irrigating more than one hundred acres of lands:

Provided also that for purposes of this Sub-Section the increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

(2) As soon as may be, after the publication of a Notification under Sub-Section (2) of Section 3 or under Sub-Section (1) of Section 3-A, as the case may be, in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) ~~is payable~~ is payable, and the nature and extent of irrigability of the different lands:

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk Office and in such other manner as may be

prescribed. Such Notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state -

(a) their objections,-

(i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contribution or advance betterment contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed.

Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue District in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by Registered Post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying -

(a) the increase in value of the lands as by the

completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of ~~advance~~ betterment contribution or advance ~~betterment~~ contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution

or advance contribution shall be payable.

(6) The Government ~~and~~ or any person aggrieved by an order made under sub-section (5) may, within sixty days

from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge

may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not

be liable to be questioned in any Court of Law".

5. Amendment of Section 5:- In Section 5 of the

Principal Act,-

after the words "betterment contribution" wherever they occur, the words "advance betterment contribution" shall be added.

6. Amendment of Section 6:- In Section 6 of the

Principal Act,-

after the words "contribution" wherever it occurs, the words "advance betterment contribution" shall be substituted.

7. Amendment of Section 7:- In Section 7 of the

Principal Act,-

after the word "contribution" wherever it occurs, the words "advance contribution" shall be added.

8. Amendment of Section 8:- In Section 8 of the

7.

Principal Act,-

after the word "contribution" wherever it occurs, the words "advance contribution" shall be added.

9. Amendment of Section 9:- In Section 9 of the ~~Principal~~
~~Act~~

Principal Act,-

after the word "contribution" wherever it occurs the words "advance contribution" shall be added.

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THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION
AND WATER RATE) (AMENDMENT) BILL, 1968.

A Bill further to amend the Mysore Irrigation (Levy
of Betterment Contribution and Water Rate) Act, 1957.

Whereas it is expedient further to amend the
Mysore Irrigation (Levy of Betterment Contribution and
Water Rate) Act, 1957 (Mysore Act No.28 of 1957);

Be it enacted by the Mysore State Legislature
in the Nineteenth Year of the Republic of India as
follows:

1. Short title and commencement.— (1) This Act may
be called the Mysore Irrigation (Levy of Betterment
Contribution and Water Rate) (Amendment) Act, 1968.

(2) It shall come into force at once.

2. Amendment of section 2.— In section 2 of the
Mysore Irrigation (Levy of Betterment Contribution and
Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter
referred to as the principal Act),—

(1) sub-section (a) shall be renumbered as sub-
section (aa) and before sub-section (aa) as so renumbered
the following sub-section shall be inserted:

"(a) 'Advance contribution' means the advance betterment
contribution referred to in section 3 A";

(2) In sub-section (ba) the word and figure "and 4"
shall be omitted.

3. Insertion of new section 3 A.— After section 3 of
the principal Act, the following section shall be inserted,
namely:—

Levy of advance betterment contribution.
"3 A.(1) Notwithstanding anything in this Act,
where the Government has prepared a scheme for the
construction, expansion or alteration (by ^{it} them) of any work,
the estimated cost of which exceeds Rs.,
and has localised the ~~exact~~ land which, in its opinion,

in 4/4
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is capable of being benefitted by the completion of such work, and where it proposes to implement the scheme on the payment of an advance betterment contribution as provided hereunder, by the owners of such lands, the Government may publish the scheme in the Official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under such commandable ayacut of the work, which are so capable of being benefitted, the approximate amount of Advance Betterment Contribution payable per acre for each class of such lands and such other particulars as may be prescribed, and ~~which~~ shall require the owners of all such lands to express their willingness in writing within such time as may be prescribed, to make such Advance Contribution towards such works either in one lumpsum ^{or} ~~are~~ in^{Six}..... equal annual instalments in the case of owners holding not more than ...^{Five}..... acres of dry land each, and in the case of owners [holding not more than ...⁵.....acres of dry lands each, and in the case of owners] holding more than ...^{Five}..... acres of dry lands or holding any extent of wet lands, either in one lumpsum or in ...^{Four}.....equal annual instalments.

(ii) Where the owners of not less than 66% of the lands referred to in sub-section (i) ~~as~~ express their willingness in writing, the Government shall be entitled to levy and collect an advance betterment contribution from the owners of all the lands referred to in sub-section (i).

(iii) Where three-fifths of the first instalment of the Advance Betterment Contribution payable by the owners of all the lands referred to in sub-section (i) is paid towards such first instalment within the time specified therefor, the Government shall commence the

execution of the work. Where the amount so paid is less than three-fifths of the first instalment of the advance betterment contribution, the Government shall not commence the execution of the work in ⁴persuance of the scheme prepared under sub-section (i), but shall refund amounts so paid to the owners concerned. Where the Government commence the execution of the work, the Deputy Commissioner or any officer authorised by him in his behalf shall, immediately after such commencement of the execution of such work, by an order direct the owners of the lands referred to in sub-section (i) who have failed to pay within the time specified therefor any instalment of the Advance Betterment Contribution to pay it within such time as may be prescribed;

(iv) As soon as may be, after the date of completion of such works, the amount of contribution payable under section 3 by an owner in respect of any land referred to in sub-section (i) of this section, shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount of advance Betterment Contribution paid by such owner under this section be adjusted towards the amount so determined. If, as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

4. Substitution of new section for section 4.— For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. Amount of Betterment Contribution and Advance Betterment Contribution.— (1) The amount of betterment contribution or advance betterment contribution payable in respect of any land referred to in section 3 or section 3-A shall be an amount equal to one-half of the

difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of betterment contribution or advance betterment contribution payable in respect of any land shall not be more than ~~Rs. 300-00~~ (Rupees ~~Three hundred only~~) per acre:

Provided further that no betterment contribution or advance betterment contribution shall be leviable in respect of any land,-

- (i) which is unarable (Kharab); or
- (ii) benefitted by the construction, restoration, expansion or alteration of a tank, well, reservoir anicut, bundhara, pond, spring pond, kunta, talaparige or madugu which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub-section the increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

(2) As soon as may be, after the publication of a Notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the differenc~~e~~ lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be

prescribed. Such Notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at ^{the} time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state -

(a) their objections,-

(i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contribution or advance betterment contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by Registered Post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying -

(a) the increase in value of the lands by the

completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution or advance contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5) may, within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

5. Amendment of sections 5, 6, 7, 8 and 9.— In sections 5, 6, 7, 8 and 9 of the principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

ANDHRA PRADESH IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND
ADVANCE BETTERMENT CONTRIBUTION) RULES 1956.

In exercise of the powers conferred by section 18 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955 (Andhra Act XXV of 1955) the Governor of Andhra Pradesh hereby makes the following rules:

R U L E S

1. These rules may be called the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Rules, 1956.

2. In these rules, unless the context otherwise requires:-

(i) "Act" means the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955;

(ii) "Form" means a form appended to these rules;

(iii) "Section" means a section of the Act;

(iv) "Tahsildar" includes a Deputy Tahsildar, and an Estate Manager where such Manager is of a rank of the Tahsildar or Deputy Tahsildar.

3. Every notification issued under Section 3 B shall be in Form I.

4. The cost of the construction, expansion or alteration of any work shall, for purposes of section 3, be the actual amount incurred by the Government on such construction expansion or alteration and shall include all direct and indirect charges.

5. For the purpose of determining the value of the land under section 4, the average prices realized by the sale of the same or similar lands in the neighbourhood during the relevant periods may be taken into consideration.

6. The Revenue Divisional Officer of the division concerned or any other officer of the Revenue Department not lower in rank than a Revenue Divisional Officer as may be specially appointed by the Government in this behalf shall be the Inquiring Officer referred to in Section 5.

Explanation:- For the purpose of this rule, the expression "Revenue Divisional Officer" includes an Estate Manager where such Manager is of the rank of a Revenue Divisional Officer.

7. (1) The notice referred to in subsection (1) of Section 5 shall be in Form II and shall besides being published in the District Gazette, and if no such Gazette is published in any district, then in the Andhra Pradesh Gazette, also be published in the following manner, namely:-

(i) by affixture on the notice board of the Office of the Tahsildar having jurisdiction over the lands specified in such notice.

(ii) by affixture in the village chavadi or if there is no such chavadi, in any conspicuous place in the village in which the lands specified in the notice are situate; and

(iii) by best of town in the village in which the lands specified in the notice are situate.

(2.) The notice under sub-section (2) of section 5 shall be in Form III. Service of notice shall be effected by delivering it to the person concerned or to his agent or to any adult male member of his family, or where none of the above courses is practicable, by affixing the notice at his last known place of residence or by sending it to his last known address by registered post.

8. (1) The Inquiring Officer, as soon as may be, after the expiry of forty five days of the publication of notices referred to in rule 7 (i), shall hold an inquiry to consider the objections received by him and for this purpose he shall issue notices to all persons who had submitted objections requiring them to appear before him on such date and at such place as may be specified therein, to adduce such evidence as may be necessary in support of their objections.

(2) On the date fixed for the inquiry and on such further date to which the same may be adjourned the Inquiring Officer shall hear the objections and record in writing the nature of such objections and submit the records of inquiry to the District Collector together with his recommendations and the grounds therefor and such other particulars as he may think fit.

(3) When the Inquiring Officer makes an enquiry under section 6, he shall in addition to the powers vested in him under the Madras Revenue Summonses Act, 1869 (Madras Act. III of 1869) also have power to examine orally any person summoned by him on each or affirmation and reduce into writing any statement made by the person so examined, also to enter upon and inspect the lands.

(4) The District Collector, on the receipt of the records of inquiry may, if he considers that any further inquiry is necessary, himself make such inquiry or remit the case to the Inquiring Officer for making such further inquiry, specifying the points on which such inquiry is necessary. In making any inquiry under this sub-rule, the District Collector shall exercise all such powers as the Inquiring Officer is empowered to exercise under sub-rule (3).

(5) A copy of every order passed by the District Collector under section 6 shall be served on the owner of the land or other person interested who has preferred objections or shall be sent to him by registered post.

9. (1) Every appeal to the Board of Revenue under section against an order passed by the District Collector shall be filed within sixty days from the date of receipt of such order by the person aggrieved and shall be accompanied by an authentic copy of the order appealed against. It shall set forth concisely the grounds of objection to the order appealed against.

Explanation (1):- In the case of a person who has not preferred any objections under sub-section (1) of section 5, the appeal shall be filed within sixty days from the date of the order, excluding the time taken for obtaining a certified copy of the order.

Explanation (2):- An appeal shall be filed against the order of the District Collector, by the affected parties, jointly subject to payment by each of them of such stamp duties as would have been payable, if he and himself filed the appeal singly.

(2) If the Board of Revenue while hearing the appeal against the order passed by the District Collector considers that any further inquiry is necessary it may make such inquiry itself or cause it to be made by any officer subordinate to it, specifying the points on which such inquiry is necessary. The Board of Revenue or the officer aforesaid making such inquiry shall exercise all such powers as the Inquiring Officer is empowered to exercise under rule 8.

10. (1) The notice of demand under section 10 of the Act, shall be in Form IV, and shall specify the due date from which the betterment contribution becomes payable such date not being earlier than two months from the date of service of the District Collector's order under Section 6 of the Act.

(2) The notice of demand shall be served on the owner in the manner specified in sub-rule (2) of rule 7.

11. The rate of interest chargeable under sub-section (2) of Section 11 shall be given percent per annum.

12. (1) Any person who is liable for payment of betterment contribution and who desires to surrender to the Government any land in lieu of lumpsum payment of betterment contribution may submit an application to the District Collector within two years from the date on which the first instalment is payable, specifying therein the situation, description and extent of the land which he proposes to surrender.

(2) (i) On receiving such application, the District Collector or any officer authorised by him in this behalf, shall cause a notice in Form V published in the manner specified in items (i) to (iii) of rule 7 (i), of the proposed surrender, inviting objections, before a specified date.

(ii) As soon as may be, after the expiry of the specified date allowed in the notice referred to in clause (i) above, the District Collector or the officer authorised by him in this behalf, shall hold an inquiry to consider the objections, if any, received by him and for this purpose he shall issue notices to all persons who had submitted objections requiring them to appear before him on such date and at such place as may be specified therein to adduce evidence as may be necessary in support of their objections.

(iii) On the date fixed for the inquiry and on such further date to which the same may be adjourned, the District Collector or the officer authorised by him in this behalf, shall hear the objections for determining the interest of the applicant in the land; or if no objections are received, he shall as soon as may be, after the expiry of the date specified in the notice referred to in clause (i) above, straightway proceed to determine the interest of the applicant in the land. For this purpose, the District Collector or the Officer authorised by him in this behalf, may also enter upon and inspect the lands and may make such inquiry as he considers necessary into the nature of the land and the interest of the applicant therein;

(3) In case the District Collector accepts the land proposed to be surrendered to the Government, the applicant shall be required to transfer his interest therein to the Government and for this purpose he shall execute the necessary documents and bear all the expenses therefor.

(4) The surrender of land in lieu of payment of betterment contribution shall not be accepted in the following cases:-

(i) Wherein the 'Telangana area', the total area of the land in the ownership of the person desiring to surrender the land does not exceed a basic holding as determined under the Hyderabad Tenancy and Agricultural lands Act, 1950 (Hyderabad Act. XXI of 1950) of the local area concerned;

(ii) Where the land proposed to be surrendered is of an inconvenient size or shape or is situated in an inconvenient location;

(iii) Where, in the opinion of the Collector, the title of the land is not free from doubt;

(iv) Where, in the opinion of the Collector, the land is not free from encumbrances; and

(v) Where, the land proposed to be surrendered is an unencumbered land, or the person desiring to surrender the land is otherwise incompetent to alienate it.

(5) For purposes of determining the value of the land proposed to be surrendered under sub-section (3) of section 11, the prices realised by the sale on similar lands in the neighbourhood shall be taken into consideration".

13. Every owner of land referred to in section 3-A (1) shall express his willingness in writing by executing a deed in Form VI agreeing to make such advance betterment contribution towards the construction, expansion or alteration of the work specified therein, as may be fixed under section 3-A read with section 4.

14. (1) The Scheme referred to in sub-section (1) of section 3-A shall be in Form VII and shall be published in the District Gazette and if no such Gazette is published in the district then in the Andhra Pradesh Gazette and also in the manner specified in clauses (i) to (iii) of sub-rule (1) of rule 7.

2) The scheme published under sub-section (1) of section 3-A shall, besides specifying the lands under the commandable ayacut of the work and the approximate amount of advance contribution payable for each class of such lands, contain particulars of the survey numbers, classification and approximate extents of all such lands.

(3) The period of time within which the owners of lands shall be required under sub-section (1) of section 3-A to express their willingness in Form VI to make the advance contribution shall be forty five days from the date of publication of the scheme in the village.

(4) The owners of lands who have failed to pay any instalment of advance contribution within the time specified therefor shall be directed by an order under sub-section (3) of section 3-A in Form VIII to pay it, within a period of two months from the date of service of such order.

APPENDIX

FORM I

Notification under section 3 B of Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act., 1955.

Contribution

It is hereby notified that the expansion of the

Alteration

work described below situated in the village of
in the taluk of in the district
 of was commenced on (date) and
 completed on

1. Description of the work (or any part or stage thereon)

FORM II

Notice under sub-section (1) of section 5 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act., 1955.

Notice is hereby given that the undermentioned lands which are benefited by the work specified below are liable for the payment of betterment contribution under section 3 or advance Betterment Contribution under Section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act., 1955 (Andhra Act XXV of 1955). All persons interested in the said lands may submit their objections if any, in writing, to the Inquiring Officer (here enter the designation of the Inquiring Officer) or may appear before him either personally or by agent and state their objections within forty days of the publication of this notice.

1. Name of the work.

2. Situation of the lands

District

Taluk

Village

S.No.	Extent in acres	Classification
-------	-----------------	----------------

FORM III

Notice under sub-section (2) of section 5 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act., 1955.

To

.....

Take notice that the undermentioned lands which are benefited by the work specified below are liable for the payment of betterment contribution/advance betterment contribution under the Andhra Pradesh Irrigation (Levy of Betterment Contribution) Act., 1955 (Act No. XXV of 1955). You may submit your objections, if any, in writing to the Inquiring Officer (Here enter the designation of the Inquiring Officer) or appear before him either personally or by agent and state your objections on or before.....

.....(date)*

Particulars of Land

1. Description of the work

2. Situation of the lands:

District

Taluk

Village

S.No. Extent in acres Classification
(1) (2) (3)

.....
District Collector or any other
Officer authorised by the District
Collector in this behalf.

*The date will be the 45th day commencing from the date
of publication of the notice in form II.

.....
.....

.....
FORM-IV

Notice under section 10 of the Andhra Pradesh Irrigation
(Levy of Betterment Contribution and Advance Betterment Contribution)
Act., 1955.

.....
Take notice that your land/lands, particulars of which are
given below is/are assessed to betterment contribution as shown
hereunder. The amount should be paid in Twenty annual instalments,
the first instalment being payable on day of 1955. Subsequent
instalments should be paid at successive intervals of one year from
the date of specified above. The amount of each instalment shall
be.....inclusive of interest.

.....
If you pay the entire amount of betterment contribution in
a lumpsum on or before the date on which the first instalments is
payable, you will be entitled to a rebate of ten percent calculated
on the amount of betterment contribution payable by you.

.....
If on any date within a period of two years after the first
instalment is payable, you pay in a lumpsum the entire amount of
betterment contribution outstanding against you on that date, you
will be entitled to a rebate of ten percent calculated on such out-
standing amount. If, however, you have not already paid the amount
of instalment or instalments payable by you before the above mentioned
date the amount of instalment or instalments shall be deducted from
the lumpsum payable by you and the rebate shall be calculated only
on the balance.

.....
If you wish to surrender any land to the Government instead
of making a lumpsum payment, in cash you may make an application to
the District Collector in this behalf specifying the situation, a
description and extent of the lands which you so wish to surrender.

NAME OF THE WORK (or part of stage thereof):-

Survey No./Nos.	Amount of contribution if, any, previously paid to the Govt. fixed.	Amount of Balance of contribution payable.	REMARKS.
or other particulars of the land.	Extent, better- ment contri- bution		
(1)	(2)	(3)	(4)
			(5)
			(6)

Place:
Date:

(Designation of the Officer
issuing the notice of demand)

District: _____ of.....to the
Taluk: _____
Village: _____

Letterhead Contribution (cont.) 1955.
 Franklin I. Milton (Levy of Letterhead Contribution and
 Bureau under self-entitled) of another 3-1 of the Letterhead

(AGREEMENT TO PAY ADVANCE BETTERMENT CONTRIBUTION as to jointly
owned property shall be subject to the provisions of Section 3-A of Act XXV of 1955 as amended.)

at.....Taluk, ..., District,
at an estimated cost exceeding ten lakhs of rupees and providing to
implement the scheme on payment of advance betterment contribution,
as provided for under section 3-A of the Andhra Pradesh Irrigation
16 Levy of Betterment Contribution and Advance Betterment Contribution)
Act, 1955 by the owners of the lands within the command area
of the work;

Classification
(how to read)
(S)

contd. page 1 4

I.....son/wife.....of.....village
taluk.....district, owners of the lands specified
 in the Schedule below and situated within the commandable ayacut of
 the said work, do hereby agree to pay to the Government in accordance
 with the provisions of the said Act such advance betterment contribution
 as may be fixed under section 3-A read with section 4 of the said Act.,
 in one lumpsum/Six/Four instalments

SCHEDULE

Taluk:-

Particulars of Ayacut lands.

Survey	Wet or	Extent
Number	Dry.	Ac.

<u>Bounded on</u>			
North	East	South	West
by	by	by	by

In witness whereof I have hereunto set my hand this.....
 day of.....19.....

Witnesses:-

Signature of owner of land

- 1.
- 2.

FORM -VII

Scheme under sub-section (1) of section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act., 1955.

Whereas the Government of Andhra Pradesh have prepared a scheme for construction of the work,
expansion
alteration

namely..... at
 village,..... taluk

district at an estimated cost exceeding ten lakhs of rupees, and propose to implement the scheme on payment of advance betterment contribution at the approximate rates specified below for each class of lands:

Class of land

Approximate
rate per acre
Rs.

- (i) Existing wet lands.
- (ii) Tirvajasthi lands or dry lands under irrigation.
- (iii) Dry lands.

Notice is hereby given to all the owners of the lands specified in the Schedule below and situate within the commandable ayacut of the said work that they are required to express their willingness in writing in Form-VI appended to the rules within forty-five days from the date of publication of the scheme in the village, to make advance betterment contribution towards such work.

SCHEDULE

District
 Taluk
 Village

Survey number

Classification
 (Dry or wet)
 (2)

Extent
 Ac.
 (3)

FORM - VIII

Order under sub-section (3) of section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

Whereas your land/lands, particulars of which are given below are assessed to advance betterment contribution of Rs.....
.....

And whereas you have failed to pay Rs.....
being the.....instalment of advance betterment contribution within the time specified by the District Collector in his order under section 6;

You are hereby directed to pay Rs.....being the
.....instalment of advance betterment contribution within two months from the date of service of this order.

Particulars of land

Taluk:

Village:

Survey Number

(1)

Wet or Dry

(2)

Extent

Ac.
(3)

District Collector
or officer authorised by
District Collector.

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THE ANDHRA PRADESH IRRIGATION (LEVY OF BETTERMENT
CONTRIBUTION AND ADVANCE BETTERMENT CONTRIBUTION)
ACT, 1955- AS AMENDED BY THE ANDHRA PRADESH IRRIGATION
(LEVY OF BETTERMENT CONTRIBUTION) AMENDMENT ACT, 1964.

ACT NO. XXV OF 1955 (22nd December, 1955).

An Act to provide for the levy of betterment
contribution and advance betterment contribution on
certain lands in the State of Andhra Pradesh.

En Whereas it is expedient to provide for the levy
of betterment contribution on certain lands in the
State of Andhra Pradesh.

it enacted by the Legislature of the State
of Andhra Pradesh in the Fifteenth Year of the Republic
of India as follows:-

Short title and
extent.

1. (1) This Act may be called The
Andhra Pradesh Irrigation (Levy of
Betterment Contribution and Advance
Betterment Contribution) Act, 1955.

(2) It extends to the whole of the
State of Andhra Pradesh.

Definitions.

2. In this Act, unless there is anything
repugnant in the subject or context:-

(1) "Andhra Area" means the territories
which immediately before the 1st November
1956, were comprised in the State of
Andhra.

(1-a) "advance contribution" means the
advance betterment contribution referred
to in section 3-A "

(1-b) "contribution" means the betterment
contribution referred to section 3;

(2) "Government" means the State Government;

(3) "notification" means a notification
published in the Andhra Pradesh Gazette
and the word "notified" shall be construed
accordingly;

(4) "owner" in relation to any land ~~owner~~
means the person liable to pay the
public revenue due on the lands and
includes a ryot having a permanent right
of occupancy within the meaning of the
Andhra Pradesh (Andhra Area) Estates
Land Act, 1908 (Act I of 1908).

Explanation:- The expression "person
liable to pay the public revenue,"
in relation to any land in respect of
which no public revenue is payable, means
the person who would have been liable to
pay public revenue had it been payable
on such land.)

(5) "prescribed" means prescribed by rules
made under this Act;

(5-A) "Telangana area" means the territo-
ries specified in sub-section (1) of
section 3 of the States Reorganisation
Act, 1956 (Central Act 37 of 1956):

(6) "work" means an irrigation work or drainage work as defined hereunder:-

(a) "irrigation work" includes .

(i) All canals, channels, tanks, wells, reservoirs, ponds, spring ponds, and madugas used for the supply or storage of water for purposes of irrigation and all dam, embankments, weirs, sluices, groynes, pumping sets and other works (other than escape channels) connected therewith or auxiliary thereto, which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person;

(ii) all such lakes and other natural collections of water, or parts thereof, as are situated on lands which are the property of Government;

(iii) all rivers and natural streams or parts thereof.

(b) "drainage work" includes the following works which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person:-

(i) channels, whether natural or artificial, for the discharge of waste or surplus water, and escape channels from an irrigation work, together with dams, embankments, weirs, sluices, groynes, pumping sets and other works connected with or auxiliary to all such channels;

(ii) all works for the protection of lands from floods or from erosion.

EXPLANATION:- For the purpose of this clause, any part or stage of a work, which is notified under section 3-B shall be deemed to be a "work".

Levy of
betterment
contribution.

3. (1) The Government shall be entitled to levy and collect a betterment contribution in accordance with the provisions of this Act from the owner of any land which, in their opinion, is benefited or is capable of being benefited, by the completion of the construction, expansion or alteration by the Government of any work, the cost of which exceeds one lakh and 50 thousand of rupees, if the construction, expansion or alteration of such work is completed:-

(a) in the Andhra area, whether after the commencement of this Act, or at any time before such commencement but not earlier than the 15th August '47

(b) in the Telangana area, after the commencement of (the Andhra Pradesh Irrigation (Levy of betterment Contribution) extension and Amendment Act, 1959.

Provided that nothing in this Act shall apply to any such work in the Telangana area, if not less than two-thirds of the total cost of the construction, expansion or alteration thereof was incurred before the commencement of the Act., aforesaid.

Provided further that no contribution shall be levied and collected until the expiration of three years from the date of completion of the construction, expansion or alteration of any work.

EXPLANATION:— For the purpose of this section and section 3-A, the following definitions shall apply:—

(1) land shall not be deemed to be benefited merely by reason of the maintenance of an existing work wholly or partly at the expense of the Government;

(11) land shall be deemed to be "capable of being benefited" irrespective of the non-enjoyment of the benefit, where such non-enjoyment is due to any action or inaction on the part of the owner or other person interested in the land.

Levy of
advance
betterment
contribution.

3-A:—(1) Notwithstanding anything in this Act where the Government have prepared a scheme for the construction, expansion or alteration by them of any work, the estimated cost of which exceeds ten lakhs of rupees, and have localised the ayacut land which, in their opinion, are capable of being benefited by the completion of such work, and where they propose to implement the scheme on the payment of an advance betterment contribution as provided hereunder, by the owners of such lands, the Government may publish the scheme in the Andhra Pradesh Gazette, and in the District Gazette, if any, and in such other manner as may be prescribed. Such scheme shall specify the lands under such commandable ayacut of the work, which are so capable of being benefited, the approximate amount of advance betterment contribution payable per acre for each class of such lands and such other particulars as may be prescribed, and shall require the owners of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance betterment contribution towards such work either in one lumpsum or in six equal annual instalments in the case of owners holding not more than five acres of dry land each, and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments.

(2) Where the owners of not less than sixty-six per cent of the lands referred to in sub-section (1) so express their willingness in writing, the Government shall be entitled to levy and collect an advance betterment contribution from the owners of all the lands referred to in sub-section (1). The advance betterment contribution so levied may be paid either in one lumpsum or in six equal annual instalments in the case of owners holding not more than five acres of dry land each, and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments and within such time as may be specified by the District Collector under section 6.

(3) Where three-fifths of the first instalment of the advance betterment contribution payable by the owners of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than three fifths of the first

instalment of the advance betterment contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1) but shall refund the amounts so paid to the owners concerned. Where the Government commence the execution of the work, the District Collector or any officer authorised by him in this behalf shall, immediately after such commencement of the execution of such work, by an order direct the owners of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance betterment contribution to pay it within such time as may be prescribed;

(4) As soon as may be, after the date of completion of such work, the amount of contribution payable under section 3 by an owner in respect of any land referred to in sub-section (1) of this section, shall be determined in accordance with the provisions of this Act notwithstanding that a period of three years has not expired from that date. The amount of advance betterment contribution paid by such owner under this section be adjusted towards the amount so determined. If as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes refundable to him by the Government, such amount shall be recovered from him or refunded to him, as the case may be.

Explanation:—In this section, the expression "dry land" means the land registered as dry, mahayari or asmanitari in the revenue accounts of the Government, and the expression "wet land" means the land registered as wet in the revenue accounts of the Government.

Notification of the dates of commencement and completion of work

3-B. The Government shall notify the date of the commencement and the date of the completion of the construction, expansion or alteration by them of any work, either for the entire work or for any part or stage thereof, and all lands benefited or capable of being benefited by the completion of such work part or stage as so notified shall be liable to pay contribution or advance contribution in accordance with the provisions of this Act.

Amount of contribution or advance contribution.

4. The amount of contribution or advance contribution payable by an owner for any land in respect of a work shall be so fixed as not exceed one half of the increase or the estimate increase in value of the land on account of the completion of the construction, expansion or alteration of the work. Such increase or estimated increase in value shall be the amount or the estimated amount by which the value of the land on the date of the completion of such work exceeds or is likely to exceed the value of the land on the date of commencement of that work.

Publication of Notice.

5. (1) Before levying the contribution or advance contribution payable in respect of any land, a notice shall be published by the District Collector in the District Gazette (and if no such Gazette is published in any District, then the Andhra Pradesh Gazette) and in such other newspapers as may be prescribed, specifying the lands under the commandable area of the work and liable for the payment of contribution or advance contribution and requiring all the persons interested to submit their objections, if any in writing to the Inquiring Officer prescribed in this behalf or to appear before him either personally or by agent and state their objections within forty-five days of the publication of the notice.

(2) Separate notices to the same effect shall be served in the prescribed manner on all persons known or believed to be the owners of, or interested in, the lands specified in the notice, so far as such service may be practicable.

Inquiry and order by District Collector. 6. On the date fixed under section 5 or on such other date to which the inquiry may be adjourned the Inquiring Officer shall inquire into the objections received or recorded by him and submit the records of inquiry to the District Collector together with his recommendations. The District Collector shall thereupon pass an order specifying:-

- (a) the lands concerned under the irrigable command of the work;
- (b) the increase or the estimated increase in value of such lands by the completion of the construction, expansion or alteration of the work;
- (c) the amount of the contribution or the advance ~~xxxxx~~ contribution leviable on each of the said lands;
- (d) the fasli year from which the contribution ~~xxxxx~~ or advance contribution shall be leviable; and
- (e) the manner in which and the time within which the contribution or the advance contribution is payable.

APPEAL. 7. Any person aggrieved by an order passed by the District Collector (Under this Act) may, within sixty days from the date of receipt of such order by him, appeal to the Board of Revenue (and the Board may pass such order on the appeal as it thinks fit).

Revision. 8. The Government may, at any time, either suo motu or on application, call for and examine the records relating to any order passed, or proceedings taken by the Inquiring Officer or the District Collector (under this Act) or by the Board of Revenue under section 7, for the purpose of satisfying themselves as to the legality or propriety of such order, or as to the regularity of such proceedings, and pass such order in reference thereto as they think fit;

(Provided that the Government shall not pass any order prejudicial to any person unless such person has had a reasonable opportunity of making a representation).

Finality of orders. 9. Any order passed by the Government in revision under section 8 and subject to such order, the decision of the Board of Revenue on appeal under section 7, and subject to the orders of the ~~xxxxx~~ Government and the decision of the Board of Revenue on appeal, the order passed by the District Collector (under this Act) shall be final.

When contri- 10. Contribution of advance contribution shall bution or become payable under this Act on a written advance cont- notice of demand therefor issued by the Officer ribution become authorised by the Government in this behalf payable. ~~xxxxx~~ being served on the owner in accordance with the order passed under section 7, or section 8 specifying the amount payable.

Made of payment
of Contribution.

11. (1) Where no advance contribution is payable under this act, the contribution payable by an owner shall be paid by him (in twenty annual instalments).

(1) if, on or before the date on which the first instalment is payable, the owner pays in a lumpsum the entire contribution, he shall be entitled to a rebate of ten per cent calculated on such contribution:

(ii) if, on any date within a period of two years after the first instalment is payable he pays in a lumpsum the entire amount of contribution outstanding against him on that date, he shall be entitled to a rebate of ten percent calculated on such outstanding amount.

EXPLANATION:- In the case mentioned in proviso (ii) if the owner had not paid the amount of instalment or instalments payable by him before the date mentioned in that proviso, the amount of such instalment or instalments shall be deducted from the lumpsum paid by him, and the rebate shall be calculated only on the balance.

(2) Where such contribution is paid in instalments, interest shall be calculated on the contribution amount outstanding at the end of each year at such rate as may be prescribed and the contribution with interest as calculated shall be payable in equated annual instalments.

(3) (Subject to such rules as may be made in this behalf, the owner of any land) in respect of which such contribution is payable may instead of making a lumpsum payment in cash surrender to the Government any land the value whereof is, in the opinion of the District Collector equal to the amount of the contribution less a rebate as provided in sub-section (1). Provided that the District Collector may, for reasons to be recorded in writing, refuse to accept any land offered by the owner.

Rebate in
certain other
cases

12. If the Government accept or have accepted any money contribution from any person for the construction, expansion or alteration of any work and such person becomes liable to pay contribution or advance contribution in respect of any land benefited or capable of being benefited by such contribution, expansion or alteration, the sum accepted from him shall be credited towards the contribution or advance contribution payable by him.

Contribution or
advance contribu-
tion as arrear
of land revenue.

13. Subject to the provisions of sub-section 3 of section 3-A contribution or advance contribution payable under this Act in respect of any land shall be deemed to be public revenue due upon the said land; and the land its products and the buildings (owned and occupied by the owner) standing upon the land shall be regarded as the security of such contribution. When the whole or portion of an instalment of such contribution payable in any year is not paid on the due date the amount of the instalment or its unpaid portion and the interest if any due thereon shall be deemed to be an arrear of land revenue and the provisions

of (The Andhra Pradesh Revenue Recovery Act, 1864)
(Act II of 1864) shall apply to the recovery of the
said arrears as they apply to the recovery of the Revenue
due on the land.

14. Any person having interest in a land may
notwithstanding that he is not the owner of such land
or advance contribution payable by the owner in respect
of such land and shall, if such person pays the entire
contribution in accordance with the provision of
section 11, be entitled to the rebate provided by
that section.

15. Where an owner who has paid an instalment of
contribution on the advance contribution under this
Act is not the occupier of the land, he shall, in the
absence of a contract to the contrary, be entitled to
recover the amount of such instalment from the person
other than a tenant, who is in actual occupation of the
land during the year in which the said instalment is
payable.

Provided that where the owner has paid the entire
contribution with a rebate under the provision to
sub-section (1) of section 11, the sum actually paid shall be deemed to be the
instalment of the contribution payable during every
year during which an instalment of the contribution
would have been payable had the entire contribution
not been so paid.

Exemption.

16. If, in the opinion of the Government the enforcement
of all or any of the provisions, of this Act will cause
hardship in any case or cases, Government, may, by
notification, setting out the ground therefor exempt
either permanently or for a specified period, such case
or cases from all or any of the provisions of this Act.,
subject to such conditions, if any, as the Government
may deem fit to impose.

Bar Of jurisdiction of Civil Courts.

17. No civil court shall entertain any suit or other
proceedings to set aside or modify any order or decision
passed by the District Collector, the Board of Revenue
or the Government under this Act or in respect of any
other matter falling within the scope of any of these
authorities.

Power to make Rules.

18. (1) The Government may, by notification, make rules
to carry out the purposes of this Act, and in particular:-

(a) for the delegation of their powers to the Board
of Revenue, District Collector or other authorities;

(b) for the provision of such appeals and revision
as may be found necessary in respect of the orders
passed by any authority to whom powers may be so delegated;

(c) for the procedure to be followed in making
inquiries under section 6 and in disposing of appeals
under section 7;..

(d) for the manner of service of notice and orders
issued under this act;

(e) for the manner in which the instalments of contribution or advance contribution shall be paid;

(f) for all matters expressly required or allowed by this Act to be prescribed;

(2) All rules made under this section shall be published in the (Andhra Pradesh Gazette) and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislative Assembly as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Assembly may make within fourteen days thereafter during the session in which they are so laid.

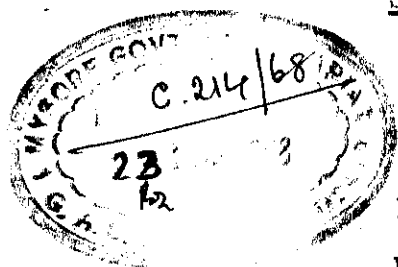
Powers to
remove
difficulties.

18.A. If any difficulty arises in giving effect to the provisions of this Act and in particular in their application to the Telangana area, the Government may, by order in the Andhra Pradesh Gazette make such provisions, not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the difficulty.

19. Nothing contained in this Act shall apply to the levy, determination, payment or recovery of betterment contribution from the owners of lands which are benefited or are capable of being benefited by the construction, expansion or alteration of any work, if provision in that behalf is contained in any other law relating thereto and for the time being in force.

CABINET NOTE

SUBJECT:- The Mysore Irrigation (Levy of Betterment Contribution and Water Rate (Amendment) Bill, 1968 - Levy of advance contribution.



In accordance with the provisions of the Mysore - Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, a Tax called Betterment Contribution can be levied on the land holder or the holder of any land which is benefitted from the construction, restoration, expansion or alteration of any work by the Govt. whether after the commencement but not earlier than,

- (i) the first January 1944 in the Old Mysore Area;
- (ii) the first January 1947 in the Madras Area;
- (iii) the first August 1947 in the Hyderabad Area; &
- (iv) the first January 1950 in the Bombay Area, and the Coorg District.

2. The amount of Betterment Contribution payable in respect of any land benefitted shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration, provided, that the amount of Betterment Contribution payable shall not be more than Rs.300/- per acre.

3. This maximum ceiling of Rs.300/- is now being enhanced to Rs.500/- per acre, in accordance with the decision taken recently by the Cabinet. Necessary legislation has already been taken up separately.

4. The question relating to levy of advance contribution has been under consideration of Government for some time past, and the Chief Minister has kindly observed in several Meetings that the people are willing to pay the advance contribution and that suitable provision should be made. This subject was

discussed in the Meeting of the Superintending Engineer and Chief Engineers held in the Chambers of the Deputy Minister for Minor

(Contd...2

Irrigation on 8-5-1965. The Deputy Minister desired that this aspect may be examined and necessary rules may be framed. This subject was further discussed in the Meeting held on 1-11-1965 in the Chambers of the Deputy Minister for Minor Irrigation ^{then the Deputy Minister for Minor Irrigation} and ^{and} it was decided as follows:-

Collection of advance Betterment Contribution.

" This subject has been discussed with the Law Secretary. The Law Secretary opined that it would be possible to frame act on the lines of Andhra - Pradesh Act wherein the levy of Betterment Contribution in advance has been incorporated. He said that he would be sending this to the concerned administrative Secretariat for taking further action in the matter. "

5) In pursuance of the above decision the L.D. has now sent a draft Bill incorporating the provision relating to Levy of advance contribution as in force in Andhra Pradesh for consideration. A copy of the draft Bill is enclosed herewith for reference.

6) According to the Andhra Pradesh (Levy of Betterment Contribution and Advance Betterment Contribution) Act 1955 the estimated cost of a scheme for the construction, expansion or alteration of any work for purpose of Levy of Advance Contribution is fixed above Rs.10 lakhs. Regarding mode of payment the owners of land have to express their willingness in writing within such time as may be prescribed to make such Advance contribution towards such work either in one lump ^{sum} or in 6 equal annual instalments in the case of owners holding not more than 5 acres of dry land each, and in the case of owners holding more than 5 acres of dry land or holding an extent of wet land, either in one lumpsum ^{annual} or in 4 equal/instalments .

1) Swamydasu Comm
2) Law. Secy
3) Rev. Secy
4) Ch. Secy
5) Ch. Secy
6) Dr. Secy

1972

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7) The Levy of Advance Contribution is ^{sec 10}very necessary in view of the stringent financial position of the State and also with a view to ^{taking} take up several major and medium irrigation projects in Cauvery and Krishna valley: so as to maximise the utilisation of our share of waters ~~to maximise utilisation of our share of waters~~ and to bring in as large an area as possible under irrigation.

9) The points for consideration of the Council are:

1) To approve the amendments proposed to the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 to enable Govt. to levy and collect advance contribution.

2) To approve the mode of payment of Advance Contribution as existing in Andhra Pradesh Irrigation Act.

C. C.
21/3
SECRETARY TO GOVT.
P.W. DEPT.

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STATEMENTS OF OBJECTS AND REASONS.

and water rate -

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate Act) 1957 provides for the levy of Betterment contribution in the State of Mysore. There is no provision for levy of advance contribution and its recovery. Such a provision exists in the Andhra Pradesh Irrigation Act. It is therefore ~~it~~ considered ~~necessary~~ desirable to provide such a provision in the Mysore Irrigation Act as well to enable levy of Advance Contribution. By this Levy Govt. ~~we~~ can take up several Major and Medium Projects in Cauvery and Krishna Valleys and can develop large areas under irrigation.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1968.

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957:

Whereas it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957):

Be it enacted by the Mysore State Legislature in the Nineteenth Year of the Republic of India as follows:-

1. Short title and commencement. - (1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1968.

(2) It shall come into force at once.

2. Amendment of section 2. - In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act), .

(1) sub-section (a) shall be renumbered as sub-section (aa) and before sub-section (aa) as so renumbered the following sub-section shall be inserted:

"(a) 'advance contribution' means the advance contribution referred to in section 3 A";

(2) in Sub-section (ba) the word and figure "and 4" shall be omitted.

3. Insertion of new section 3 A. - After section 3 of the principal Act, the following section shall be inserted, namely:-

"3 A. Levy of advance contribution. - (i) Notwithstanding anything in this Act, where the Government has prepared a scheme for the construction, expansion or alteration (by it) of any work, the estimated cost of which exceeds Rs. 50 lakhs, and has localised the land which, in its opinion, is capable of being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance betterment contribution as provided hereunder, by the owners of such lands, the Government may publish the scheme in the Official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under such commandable ayacut of the work, which are so capable of being benefited, the approximate amount of advance betterment contribution payable per acre for each class of such lands and such other particulars as may be prescribed, and shall require the owners of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such works either in one lumpsum or in six equal annual instalments in the case of owners holding not more than five acres of dry land each, and in the case of owners holding more than five acres of dry lands or holding any extent of wet lands, either in one lumpsum or in four equal annual instalments.

(ii) Where the owners of not less than 66% of the lands referred to in sub-section (i) express their willingness in writing, the Government shall be entitled to levy and collect an advance betterment contribution from the owners of all the lands referred to in sub-section (i).

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(iii) Where three-fifths of the first instalment of the Advance Betterment Contribution payable by the owners of all the lands referred to in sub-section (i) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than three-fifths of the first instalment of the advance betterment contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (i), but shall refund amounts so paid to the owners concerned. Where the Government commence the execution of the work, the Deputy Commissioner or any officer authorised by him in this behalf shall, immediately after such commencement of the execution of such work, by an order direct the owners of the lands referred to in sub-section (i) who have failed to pay within the time specified therefor any instalment of the advance betterment contribution to pay it within such time as may be prescribed;

(iv) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by an owner in respect of any land referred to in sub-section (i) of this section, shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount of advance betterment contribution paid by such owner under this section be adjusted towards the amount so determined. If, as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

4. Substitution of new section for section 4.- For section 4 of the principal Act, the following section shall be substituted, namely:-

"4. Amount of Betterment Contribution and Advance Betterment Contribution.- (1) The amount of betterment contribution or advance betterment contribution payable in respect of any land referred to in section 3 or section 3-A shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of betterment contribution or advance betterment contribution payable in respect of any land shall not be more than Rs. 500 per acre.

Provided further that no betterment contribution or advance betterment contribution shall be leviable in respect of any land.-

- (i) which is unarable (Kharab); or
- (ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir anicut, bundhara, pond, spring pond, kunta, talaparige or madugu which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub-section the increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

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(2) As soon as may be, after the publication of a Notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at the time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state -

(a) their objections. -

(i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contribution or advance betterment contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by Registered Post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying -

(a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution or advance contribution shall be payable.

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(6) The Government or any person aggrieved by an order made under sub-section (5) may, within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

5. Amendment of sections, 5, 6, 7, 8 and 9. - In sections 5, 6, 7, 8, and 9 of the Principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

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STATEMENT OF OBJECTS AND REASONS.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1967 provides for the levy of Betterment contribution and water rate in the State of Mysore. There is no provision for levy of advance contribution and its recovery. Such a provision exists in the Andhra Pradesh Irrigation Act. It is therefore considered desirable to provide such a provision in the Mysore Irrigation Act as well to enable levy of Advance Contribution. By this Levy Government can take up several ~~Major and Medium~~ Projects in Cauvery and Krishna Valleys and can develop large areas under irrigation.

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THE MYSORE IRRIGATION (LEVY OF BETTERMENT
CONTRIBUTION AND WATER RATE) (AMENDMENT)
BILL, 1968.
- - -

A Bill further to amend the Mysore Irrigation
(Levy of Betterment Contribution and Water Rate)
Act, 1957.

Whereas it is expedient further to amend the
Mysore Irrigation (Levy of Betterment Contribution
and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957):

Be it enacted by the Mysore State Legislature in
the Nineteenth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may
be called the Mysore Irrigation (Levy of Betterment
Contribution and Water Rate) (Amendment) Act, 1968.

(2) It shall come into force at once.

2. Amendment of section 2.- In section 2 of the
Mysore Irrigation (Levy of Betterment Contribution and
Water Rate) Act, 1957 (Mysore Act 28 of 1957) (herein-
after referred to as the principal Act), -

(1) clause (a) shall be ^{relettered} ~~renumbered~~ as ~~sub-~~
clause (aa) and before ~~sub-~~ clause (aa), as so ^{relettered} ~~renumbered~~,
the following ~~sub-~~ clause shall be inserted, namely:-

"(a) 'advance contribution' means the advance
betterment contribution referred to in section 3A";

(2) in ~~sub-~~ clause (ba), the word and figure
"and 4" shall be omitted.

3. Insertion of new section 3A.- After section 3
of the principal Act, the following section shall be
inserted, namely:-

"3A. Levy of advance contribution.- (1) Not-
withstanding anything in this Act, where the Government"

has prepared a scheme for the construction, ^{restoration,} expansion or alteration (by it) of any work, the estimated cost of which exceeds fifty lakhs of rupees and has localised the lands which, in its opinion, is capable of being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance contribution, as provided hereunder, by the ^{landholders} owners of such lands, the Government may publish the scheme in the official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under the irrigable command of the work, which are so capable of being benefited, the approximate amount of advance contribution payable per acre ~~for each such lands~~ and such other particulars as may be prescribed, and shall require the landholders of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such works either in one lumpsum or in six equal annual instalments in the case of landholders holding not more than five acres of land paying ordinary land revenue and in the case of landholders holding more than five acres of such lands or holding any extent of lands paying ordinary land revenue plus water rate, either in one lumpsum or in four equal annual instalments.

(2) Where the landholders of not less than 66% of the lands referred to in sub-section (1) express their willingness in writing, the Government shall be entitled to levy and collect an advance contribution from the landholders of all the lands referred to in sub-section (1).

(3) Where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than three-fifths of the first instalment of the advance contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1), but shall refund the amounts so paid to the landholders concerned. Where the Government commences the execution of the work, the Betterment Levy Officer shall, immediately after such commencement of the execution of such work, by an order direct the landholders of the lands referred to in sub-section (1) who ^{have} failed to pay within the time specified therefor any instalment of the advance contribution to pay it within such time as may be prescribed.

(4) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by the landholder in respect of any land referred to in sub-section (1) of this section, shall be determined in accordance with the provisions of this Act. The amount of advance contribution paid by such landholder under this section shall be adjusted towards the amount so determined. If, as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

(5) For the purpose of levy of advance contribution the prescribed officer shall, by notification, specify the dates of commencement and completion of

the
of construction, restoration, expansion or alteration
of any work.

4. Substitution of new section for section 4.-

For section 4 of the principal Act, the following
section shall be substituted, namely:-

"4. Amount of Betterment Contribution and
Advance contribution.- (1) The amount of contribution
or advance contribution payable in respect of any
land referred to in section 3 or section 3-A shall
be an amount equal to one-half of the difference
between the market value of such land before the
date of commencement of the construction, restoration,
expansion or alteration of the irrigation work and
the market value or the estimated market value
after the date of completion of such construction,
restoration, expansion or alteration:

Provided that the amount of contribution or
advance contribution payable in respect of any land
shall not be more than rupees five hundred per acre:

Provided further that no contribution or advance
contribution shall be leviable in respect of any land.

(1) which is unarable(Kharab); or

(ii) benefited by the construction, restoration,
expansion or alteration of a tank, well, reservoir
anicut, bundhara, pond, spring pond, kunta, talaparige
or madugu⁴ which is not capable of irrigating more
than one hundred acres of land:

Provided also that for purposes of this sub-
section the increase or the estimated increase in
the market value of the land consequent upon any
improvement of the land made by the land holder
shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent or irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at the time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state -

(a) their objections -

(i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and

(b) in respect of payment ^{of} betterment contribution or advance contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by Registered Post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying -

(a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution or advance contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6)

and subject to the orders aforesaid of the Court of the Civil Judge the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

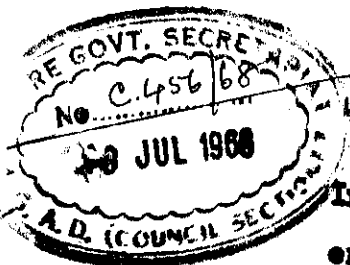
5. Amendment of sections 5, 7, 8 and 9. - In sections 5, 7, 8 and 9 of the principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

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SUB:-Mysore Irrigation (Levy of Betterment Contribution & Water Rates) Amendment Bill 1968.



1. A Bill seeking amendments to the Mysore Irrigation (Levy of Betterment contribution) Act to enable Govt. to levy and collect Advance Betterment Contribution was placed before the Cabinet. In its Fourth meeting held on 8.4.68 the Cabinet approved the same. ^{Among other things} It was decided by the Cabinet that the Levy of Advance Contribution be made in respect of lands and lands coming under Irrigation project, the estimated cost of which exceeds Rs.50 lakhs.

2. As per the existing Mysore Irrigation (Levy of Betterment & Water Rate) Act, Betterment contribution is not leviable in case of ~~small~~ irrigation works which have command of ^{less than} lands within 100 acres. Assuming an average rate of Rs.1,000/ per acre the cost of irrigation work for which Betterment ^{(100 x 1000) equal to} contribution is payable will be Rs.1 lakh and more. Therefore the decision of the Cabinet that the Levy of advance contribution be applicable only in respect of lands coming under the Irrigation Projects, ~~the~~ estimated cost of which exceeds Rs.50 lakhs will mean that only works which have an ayacut of ~~2000-5000~~ 5,000 acres and more will come under the proposed scheme. Such a ~~of Levy of Betterment Contribution in advance.~~ stipulation eliminates the possibility of taking up ^{smaller} ~~smaller~~ irrigation works by collecting contribution in advance. Therefore it may be desirable that ^{the} a limit

for levy of advance contribution be lowered to include works whose estimated cost exceed Rs.10 lakh. Such a provision exist under the Andhra Pradesh Irrigation (Levy of Betterment contribution & Advance Betterment contribution) Act, based on which the proposed Bill for Levy of Advance Contribution has now been proposed in Mysore State.

The subject ^{is} therefore placed before the Cabinet of Ministers ~~is therefore requested~~ ^{for approval} to agree to the proposal of Levy of Advance Contribution in respect of lands coming under Irrigation Projects; the estimated cost of which exceeds Rs. 50 lakhs.

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**THE MYSORE IRRIGATION (LEVY OF BETTERMENT)
CONTRIBUTION AND WATER RATE) (AMENDMENT)
BILL, 1968.** / *Scind*

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A Bill further to amend the Mysore Irrigation
(Levy of Betterment Contribution and Water Rate)
Act, 1957.

Whereas it is expedient further to amend the
Mysore Irrigation (Levy of Betterment Contribution
and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957);

Be it enacted by the Mysore State Legislature in
the Nineteenth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may
be called the Mysore Irrigation (Levy of Betterment
Contribution and Water Rate) (Amendment) Act, 1968. / *Scind*
(2) It shall come into force at once.

2. Amendment of section 2.- In section 2 of the
Mysore Irrigation (Levy of Betterment Contribution and
Water Rate) Act, 1957 (Mysore Act 28 of 1957) (herein-
after referred to as the principal Act), -

(1) clause (a) shall be relettered as
clause (aa) and before clause (aa), as so relettered,
the following clause shall be inserted, namely:-

"(a) 'advance contribution' means the advance
betterment contribution referred to in section 3A";

(2) in clause (ba), the word and figure
"and 4" shall be omitted.

3. Insertion of new section 3A.- After section 3
of the principal Act, the following section shall be
inserted, namely:-

"3A. Levy of advance contribution.- (1) Not-
withstanding anything in this Act, where the Government

has prepared a scheme for the construction, restoration, expansion or alteration (by it) of any work, the estimated cost of which exceeds ten lakhs of rupees and has been ^{determined} ~~the~~ ^{the} lands under its irrigable command, ~~list the lands which, in its opinion, is capable of~~ being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance contribution, as provided hereunder, by the landholder of such lands, the Government may publish the scheme in the official Gazette ^{and} in such other manner as may be prescribed; such scheme shall specify the lands under the irrigable command of the work which are so capable of being benefited, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed, and shall require the landholders of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such work either in one lump-sum or in six equal annual instalments in the case of landholders holding not more than five acres of land paying ~~ordinary land revenue~~ and in the case of landholders holding more than five acres of such lands or holding any extent of lands paying ~~ordinary land revenue~~ ^{and} ~~plus water rate~~ ^{also}, either in one lump-sum or in four equal annual instalments.

(2) Where the landholders of not less than ^{sixty six percent} ~~66%~~ of the lands referred to in sub-section (1) express their willingness in writing, the Government shall be entitled to levy and collect an advance contribution from the landholders of all the lands referred to in sub-section (1).

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(3) Where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than three fifths of the first instalment of the advance contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1), but shall refund the amounts so paid to the landholders concerned. Where the Government commences the execution of the work, the Settlement Levy Officer shall, immediately after such commencement of the execution of such work, by an order direct the landholders of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance contribution to pay it within such time as may be prescribed.

(4) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by the landholder in respect of any land referred to in sub-section (1) of this section shall be determined in accordance with the provisions of this Act. The amount of advance contribution paid by such landholder under this section shall be adjusted towards the amount so determined. If as a result of such adjustment any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

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(5) For the purpose of levy of advance contribution the prescribed officer shall, by notification, specify the dates of commencement and completion of

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judges on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of law".

5. Amendment of sections 5, 7, 8 and 9.- In sections 5, 7, 8 and 9 of the principal act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

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524/ of the construction, restoration, expansion or alteration of any work.

4. Substitution of new section for section 4.- For section 4 of the principal Act, the following section shall be substituted, namely:-

"4. Amount of Betterment Contribution and Advance contribution.- (1) The amount of contribution or advance contribution payable in respect of any land referred to in section 3 or section 3-A shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value or the estimated market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of contribution or advance contribution payable in respect of any land shall not be more than rupees five hundred per acre:

Provided further that no contribution or advance contribution shall be leviable in respect of any land .-

(i) which is unarable (barren); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bundhara, pond, spring pond, kunta, talap or "madugu" which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub section the increase or the estimated increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

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(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case ~~any land~~ holder resides elsewhere and has no ~~own~~ agent, the notice shall be ~~sent~~ ~~to~~ him by Registered Post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying -

(a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution or advance contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge

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THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1968. /second

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate, Act, 1957. d
1)

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957);

Enacted by the Mysore State Legislature in the Nineteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1968. /second

(2) It shall come into force at once.

2. Amendment of section 2.—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),— c/

(1) clause (a) shall be relettered as clause (1a) and before clause (aa), as so relettered, the following clause shall be inserted, namely:—

"(a) 'advance contribution' means the advance betterment contribution referred to in section 3A"; 1"

(2) in clause (ba), the word and figure "and 4" shall be omitted.

3. Insertion of new section 3A.—After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. Levy of advance contribution.—(1) Notwithstanding anything in this Act, where the Government

has prepared a scheme for the construction, restoration, expansion or alteration (by it) of any work, the estimated cost of which exceeds ten lakhs of rupees and has localised the lands which, in its opinion, is capable of being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance contribution, as provided hereunder, by the landholder of such lands, the Government may publish the scheme in the official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under the irrigable command of the work which are so capable of being benefited, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed, and shall require the landholders of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such works either in one lump-sum or in six equal annual instalments in the case of landholders holding not more than five acres of land paying ordinary land revenue and in the case of landholders holding more than five acres of such lands or holding any extent of lands paying ordinary land revenue plus water rate, either in one lumpsum or in four equal annual instalments.

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determined
the lands
under its
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e) (2) Where the landholders of not less than 66 per cent of the lands referred to in sub-section (1) express their willingness in writing, the Government shall be entitled to levy and collect an advance contribution from the landholders of all the lands referred to in sub-section (1).

(3) Where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the

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Government shall commence the execution of the work. Where the amount so paid is less than three fifths of the first instalment of the advance contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1), but shall refund the amounts so paid to the landholders concerned. Where the Government commences the execution of the work, the Betterment Levy Officer shall, immediately after such commencement of the execution of such work, by an order direct the landholders of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance contribution to pay it within such time as may be prescribed.

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(4) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by the landholder in respect of any land referred to in sub-section (1) of this section shall be determined in accordance with the provisions of this Act. The amount of advance contribution paid by such landholder under this section shall be adjusted towards the amount so determined. If as a result of such adjustment any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

(5) For the purpose of levy of advance contribution the prescribed officer shall, by notification, specify the dates of commencement and completion of the construction, restoration, expansion or alteration of any work.

4. Substitution of new section for section 4.—For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. Amount of Betterment Contribution and Advance contribution.—(1) The amount of contribution or advance contribution payable in respect of any land referred to in

section 3 or section 3-A shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value or the estimated market value after the date of completion of such construction, restoration, expansion or alteration:

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Provided that the amount of contribution or advance contribution payable in respect of any land shall not be more than rupees five hundred per acre:

Provided further that no contribution or advance contribution shall be leviable in respect of any land:—

- (i) which is unarable (Kharab); or
- (ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bundhara, pond, spring pond, kunta, talaparige or madugu which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub-section the increase or the estimated increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

- (2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent or irrigability of the different lands.

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- (3) The statement so prepared along with a public notice shall be published in the village ohavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at the time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—
- (a) ~~their~~ objections—
- (i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;
 - (ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and
- (b) in respect of payment of betterment contribution or advance contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.
- (4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by Registered Post.
- (5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner

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provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying—

- (a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;
- (b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and
- (c) the date from which such betterment contribution or advance contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

5. Amendment of sections 5, 7, 8 and 9.—In sections 5, 7, 8 and 9 of the principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

STATEMENT OF OBJECTS AND REASONS. page 32 N. F.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 provides for the levy of Betterment Contribution and Water Rate in the State of Mysore. There is no provision for levy of advance contribution and its recovery. Such a provision exists

Andhra Pradesh Irrigation Act. It is therefore considered desirable to provide such a provision in the Mysore Irrigation Act as well to enable levy of Advance Contribution. By this Levy Government can take up several Major and Medium Projects in Cauvery and Krishna Valleys and can develop ~~ment~~ large areas under irrigation.

GOVERNMENT OF MYSORE

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No. LAW 61 LCN 68

MYSORE GOVERNMENT SECRETARIA
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 28th Aug. 1968

To The Secretary to the Government of Mysore,
Department of Law and Parliamentary Affairs.

and The Secretary,
Mysore Legislative Assembly,
BANGALORE.

Subject: The Mysore Irrigation (Levy of Betterment
Contribution and Water Rate) (Second Amendment)
Bill, 1968.

.....

S i r,

I am directed to forward herewith three copies
of the Mysore Irrigation (Levy of Betterment Contribution and
Water Rate) (Second Amendment) Bill, 1968, to be introduced
in the Mysore Legislative Assembly and to request that the
Speaker may kindly be moved under rule 64 of the rules of
Procedure and Conduct of Business in the Mysore Legislative
Assembly to order publication of the Bill together with the
Statement of Objects and Reasons and the Memorandum regarding
Delegated Legislation in the Mysore Gazette to enable the
Members to study the Bill and send amendments, if any, in
advance.

Yours faithfully,

[Signature]

(S.V. Papa Reddy.)
Secretary to Government,
Dept. of Law and Parliamentary Affairs.

Copy to:-

- 1) the Secretary to Government, Public Works Department,
- 2) the Cabinet Section, General Administration Department
(C.456/68).

Issued

[Signature]
28/8/68.

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Explanation. -

In this section, the expression -

(a) 'dry land' means -

(i) land classified as dry land under any law repealed by section 202, or any law in force at any time before the commencement of this Act;

(ii) land in which wet crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government;

(b) "wet land" means land in which wet crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government;

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (SECOND AMENDMENT) BILL, 1968.

[L. A. BILL NO. 15 OF 1968]

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957);

BE it enacted by the Mysore State Legislature in the Nineteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Second Amendment) Act, 1968.

(2) It shall come into force at once.

2. Amendment of section 2.—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),—

(1) clause (a) shall be relettered as clause (aa) and before clause (aa), as so relettered, the following clause shall be inserted, namely:—

“(a) ‘advance contribution’ means the advance betterment contribution referred to in section 3A;”

(2) in clause (ba), the word and figure “and 4” shall be omitted.

3. Insertion of new section 3A.—After section 3 of the principal Act, the following section shall be inserted, namely:—

“3A. **Levy of advance contribution.**—(1) Notwithstanding anything in this Act, where the Government

has prepared a scheme for the construction, restoration, expansion or alteration (by it) of any work, the estimated cost of which exceeds ten lakhs of rupees and has determined the lands under its irrigable command which, in its opinion, are capable of being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance contribution, as provided hereunder by the landholder of such lands, the Government may publish the scheme in the Official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under the irrigable command of the work which are so capable of being benefited, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed, and shall require the landholders of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such works either in one lump-sum or in six equal annual instalments in the case of landholders holding not more than five acres of land and in the case of landholders holding more than five acres of such lands or holding any extent of lands paying water rate also, either in one lumpsum or in four equal annual instalments.

(2) Where the landholders of not less than sixty-six per cent of the lands referred to in sub-section 1) express their willingness in writing, the Government shall be entitled to levy and collect an advance contribution from the landholders of all the lands referred to in sub-section (1).

(3) Where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands referred to in sub-section 1) is paid towards such first instalment within the time specified therefor, the

Government shall commence the execution of the work. Where the amount so paid is less than three fifths of the first instalment of the advance contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1), but shall refund the amounts so paid to the landholders concerned. Where the Government commences the execution of the work, the Betterment Levy Officer shall, immediately after such commencement of the execution of such work, by an order direct the landholders of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance contribution to pay it within such time as may be prescribed.

(4) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by the landholder in respect of any land referred to in sub-section (1) of this section shall be determined in accordance with the provisions of this Act. The amount of advance contribution paid by such landholder under this section shall be adjusted towards the amount so determined. If as a result of such adjustment any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

(5) For the purpose of levy of advance contribution the prescribed officer shall, by notification, specify the dates of commencement and completion of the construction, restoration, expansion or alteration of any work.

4. Substitution of new section for section 4.—For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. Amount of Betterment Contribution and Advance Contribution.—(1) The amount of contribution or advance contribution payable in respect of any land referred to in

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section 3 or section 3-A shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value or the estimated market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of contribution or advance contribution payable in respect of any land shall not be more than rupees five hundred per acre:

Provided further that no contribution or advance contribution shall be leviable in respect of any land:—

(i) which is unarable (khrab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bundhara, pond, spring pond, kunta, talapariga or "madugu" which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub-section the increase or the estimated increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable and the nature and extent of irrigability of the different lands.

- (3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at the time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—
- (a) their objections—
- (i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;
 - (ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and
- (b) in respect of payment of betterment contribution or advance contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.
- (4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by registered post.
- (5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner

provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying.—

- (a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;
 - (b) the amount of betterment contribution or advance contribution payable in respect of the said lands; and
 - (c) the date from which such betterment contribution or advance contribution shall be payable.
- (6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.
- (7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

5. Amendment of sections 5, 7, 8 and 9.—In sections 5, 7, 8 and 9 of the principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

Statement of Objects and Reasons.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 provides for the levy of Betterment Contribution and Water Rate in the State of Mysore. There is no provision for levy of advance contribution and its recovery. Such a provision exists in the Andhra Pradesh Irrigation Act. It is, therefore, considered desirable to provide such a provision in the Mysore Irrigation Act as well to enable levy of Advance Contribution. By this Levy, Government can take up several Major and Medium Projects in Cauvery and Krishna Valley and can develop large areas under irrigation.

Memorandum regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to prescribe—

- (i) the manner of publication of the Scheme (other than in the Official Gazette);
- (ii) the particulars comprising the Scheme;
- (iii) the time within which the landholders shall express their willingness in writing to make such advance contribution and the time within which the landholders referred to in sub-section (i) who have failed to pay within the time specified, have to make the payment; and
- (iv) the officer who has to specify the dates of commencement and completion, expansion or restoration of work.

Clause 4 empowers the Government to prescribe the manner of publication (other than the village chavadi and the taluk office) of the statement of lands under the irrigable and of the irrigation work in respect of which the betterment contribution are the advanced contribution is payable.

The proposed delegation of legislative power is necessary for the implementation of the Act and is of normal character.

VEERENDRA PATIL.

— — —
 To. HANUMANTHAPPA,
Secretary.

ANNEXURE

Extract from the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'Deputy Commissioner' means the Deputy Commissioner of a District or such other Officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act:

(ba) 'Contribution' means the tax payable as betterment contribution under sections 3 and 4;

4. Amount of betterment contribution.—(1) The amount of betterment contribution payable in respect of any land referred to in section 3 shall be an amount equal to one half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion such construction, restoration, expansion or alteration:

Provided that the amount of betterment contribution payable in respect of any land shall not be more than three hundred rupees per acre:

Provided further that no betterment contribution shall be leviable in respect of any land,—

(i) which is unarable (Kharab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bandhara, pond, spring pond, kunta, talaparige or madugu,

which is not capable of irrigating more than one hundred acres of land :

Provided also that for purposes of this sub-section, the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the landholders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at a time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—

(a) their objections,—

- (i) to the inclusion of the lands in the statement as lands under the irrigable command of the irrigation work;
- (ii) to the inclusion of the lands in the statement as lands of any specified nature and extent of irrigability; and
- (b) in respect of payment of betterment contributions, the basis on which they claim that the amount of betterment contribution has to be computed.

such statement shall be made in writing and signed by the party or his agent.

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(4) The Betterment Levy Officer shall also serve notice to the same effect on the landholder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any landholder resides elsewhere and has no such agent, the notice shall be sent to him by registered post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying—

- (a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;
- (b) the amount of betterment contribution payable in respect of the said lands; and
- (c) the date from which such betterment contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) An order passed by the Court of the Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any court of law.

5. When contribution becomes payable.—(1) The contribution shall become payable under this Act on a written

notice of demand thereof issued by the Betterment Levy Officer being served on the landholder.

Provided that no notice of demand shall be served on a landholder until an order made under sub-section (5) of section 4 becomes final.

(2) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the landholder or in respect of any instalment of the contribution.

7. Contribution recoverable as arrears of land revenue.—

Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land; and the land, its products and the building (owned by the landholder) standing upon the land shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

8. Payment of contribution by person having interest in land.—Any person having interest in a land may, notwithstanding that he is not the landholder of such land, pay the contribution payable by the holder in respect of such land and shall, if such person pays the entire contribution within a period of two years from the date on which the landholder becomes liable to pay the contribution, be entitled to a rebate of ten per cent.